

GOD, AND MY RIGHT

IN MY DEFENCE. 1



THE XXII PARLIAMENT OF OUR MOST HIGH AND DREAD

SOVERAINE JAMES BE THE GRACE

GOD, KING OF SCOTLAND, ENGLAND,

FRANCE, and IRELAND : Defender of the Faith

&c.

Halden be his M at Edinburgh, the 28 day of June

1617. with advise of the Estates of this Realme.



ACT I.

Ancient the Election of Arch-bishops and Bishops.



OUR SOVERAINE LORD, with advise and consent of the Estates of this present Parliament, for good and solide order to be keiped in all tyme to come, For election of Archbishops and Bishops : Statuts and ordeins, that all who shall be heirafter promoted to any Archbishoprik or Bishoprik, within this Realme, shall be elected and admitted according to the forme and manner vnder mentioned and no otherwise That is to say, when it shall fall any of the Seas to be made void: His Majesties pleasure is to grant licence to the Deane and Chapter of the Cathedrall Kirk

of the Sea, to conveine themselves for electing of ane other Arch-bishop or Bishop, in place of the former incumbent. And the said licence being exped, ane Edict shall be affixed vpon the most patent dure of the Ca-

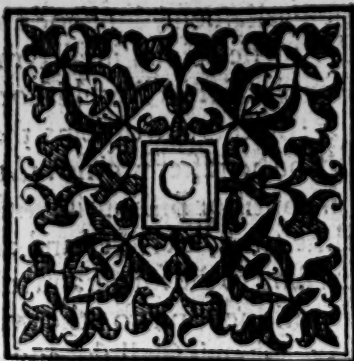
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thedral Kirk, requiring and charging the Deane and Chapter of the said Kirk, to conveye themselves for chusing of ane Bishop to the same, who shall be devote to God, and to his Highnes and Realme profitable and faithfull. Who being conveyned the Deane of the said Chapter with so many of them as shall happen to bee assembled, shall proceed and chuse the person whome his Majestie pleased to nominat and recomend to their election, Hee alwayes being ane actuall Minister of the Kirk, and shall elect none other (then ane actuall Minister) to be so nominat and recomendit be his Majestie as said is. After the which election testified vnder their Seals and subscriptions, His Majesties pleasure is to giue his Royall assent thereto: And the same after being granted vnder his M. great Seal, shall be to the person elected a sufficient right for injoying the spiritualitie of the benefice whervnto hee is elected during his lifestyme. Upon the which assent, and his Highnes mandar to be directed to ane competent number of Bishops within the Province where the benefice lyes. The person elected shall be Consecrat and receiued in his function be the rites and order accoustumed. And the said consecration being made, his Majesties pleasure is to dispoise to the person elected the temporalite of the said benefice with all privileges, honours, and dignities belonging thereto. And the same grant being past vnder his M. great Seal. Then shall the person admitted doe homage & sweare obedience to Our Sovereine LORD, according to the forme prescryved. Nether shall it bee lawfull to the person admitted to intromet with any of the fruites and rentes of the said benefice vntill he haue performed the saide homage and giuen the oath of alleageance & fidelitie to his Majestie or his Highnes Commissioners to be appointed for that effect. And for the better observing of the said order in all tyme hereafter. OUR SOVERAINE LORD, and thrie Estates, Inhibits and discharges the Lords of Counsell and Session to authorize be their Decreit and sentence the provision of any Bishope to be admitted hereafter, except that it be testified that he is receiued & entered according to the said order in all points.

ACT II.

Anent the Restitution of Chapters.



OUR SOVERAINE LORD, with advise and consent of the Estates of this present Parliament. Considering how necessar it is that the Deane, and members of Chapter of everie Cathedrall Kirk, be at all occasions readie to conveye them selves for the election of Arch-Bishops and Bishops, to their severall Seas, and for expeding of particulare rights made to the Leiges, wherevnto their consent by the Lawes of the Realme is required and that

for supporting of the charges of their service and inabling them the better to attend at such occasions, It is most needfull they be restored to their Man-ses, gleibes, rents and livings belonging vnto them of ould.

HAVE Statut and Ordeined, that all the Deanes, and others members of the Chapters of the Cathedrall Kirks within this Kingdome shall be restored to their man-ses, Glebis, rents, and other parrimonie belonging to them.

And

And to that effect his Majestie with advise of the saids Estates, dissolves fra the Crowne and patrimonie thereof, the forsaid manſes gleibes rents and duties formelie annexed: to the effect the same may hereafter be enjoyed and peaceable possessed be the Ministers that are, and heirafter shall be provided thereto. Without prejudice alwayes of the fewes takſ pensions and others rights lawfullie made of whatſomever manſes gleibes lands & teyndſ of any part of the saids Chapter Kirks to the parties hauing right to the same. And ſiklyk but prejudice to laick Patrons of their patronages granted to them be the Kings M. with consent of the Titulars for the tyme albeit the same be not ratified in Parliament. which shall no wayes be prejudged be this present Act and with expres reservation of the rights of the Priorie of *S. Androes* now erected in a temporall Lordſhip in favors of *Lodouik Duke of Lennox*, and his heirs which shall remaine in the owne strenth and integritie, notwithstanding of the Act of restitution aboue written and any thing therein comprehended. And als with reservation of the House and place of *Hamiltoun*, biggings and Orchards, Yeards, and whole pertinents of the same, in so far as the same or any part thereof pertained of before to the Deanrie of *Glasgow*, which his M. and Estates reserves furth of this present Act to his trustie Cousin *JAMES Marquis of Hamiltoun*, and his successors to be holden of his M. and his Highnes successors, as their immediat superiors thereof for euer. And without prejudice to the Burgh of *Edinburgh*, of whatſomever rents, profits, tenements, annuel-rents reynd-schaues and others commodities giuen granted and disposed to them for interteiamment of their Hospitals Colledge and Ministrie, And ſiklyk but prejudice of whatſomeuer Teynds few-mailles or annuelrents which pertained of ould to the saids Chapters in commune or to any Prebender in particular disposed be his Majestie to any Colledges, within the Vniversitie of *S. Androwes*, Maisters or Burſers thereof, which his M^{tie}. with advise of the Estates, declares shall not be prejudged be this present Act. And als according to the Restrictions exceptions and limitations conceived in favours of fewarstaksmen and others hauand right particularlie set doune and exprest in the secund Act of his M. eightteinth Parliament concerning the restitution of the estate of Bishops. Which restrictions, exceptions, and limitations are holden as repeated and exprest in this present Act. And to the effect that all sick persons who are and haue bene tenents and wassals to Deanes and others members of Cathedrall Kirks may be in certaintie and know be whome they should be entred and receiued in the lands and others holdin be them of the saids Deane and members or any of them.

Therefore it is Statut and ordeind be our Soveraine LOR D, and Estates, That when any sick occasion shall offer of receiuing or entring of wassals, or of changing of tenents who comes in the wassals places, either be alienation of the wassals or comprysing from him or be any other lawfull manner, the direct superior of whome the said wassall immediatlie held shall be astricted and holden to doe the same, and to enter all sick persons bee him selfe (they doing their duetie to their superiors). In the which case, OUR Soveraine LOR D, and Estates declares the consent of the Prelat, or remanent members of his Chapter nowayes to be necessar to the said entrie or chaing of tennents. And because the Priorie of *S. Androes* is now erected in

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ane temporall living and Lordship the Prior whereof in former tymes was alwise Deane of the Chapter of *S^t. Androes*. the Chanons thereof were the members of the said Chapter, which are now all abolished, to the effect there bee not wanting ane Chapter to the said Kirk.

OUR SOVRAINE LORD, with advise foresaid, declareth that the Ministers serving the cure at the Kirks vnder written præsent and to come, shall be esteimed the Chapter thereof, They are to say, The Prior of *Portmook*, who is principall of *S. Leonards Colledge*, and Deane of the Chapter. The *Arch-Deane* of *S. Androes*, The Vicare of *S. Androes*, The Vicare of *Leuchers*. The Vicare of *Cowper*. The Provest of *Kirk-hill*. The Person of *Dysart*. The Vicare of *Forgound*. The Vicare of *Inchtur*. The Vicare of *Kinnaird*. The Vicare of *Fowles*. The Vicare of *Eglisbgreig*. The Vicare of *Rosse*. The Vicare of *Linlishgo*. The Vicare of *Scoone*. The Vicare of *Fordun*. The Vicare of *Forgound* in *Fyfe*. The Deane of *Restalrig*. The Deane of *Dunbar*. The Vicare of *Kettill*. The Vicare of *Kennowy*. The Vicare of *Merkinch*. The Vicare of *Falkland*. & The Vicare of *Abercrombie*. being all twentie foure persons. Which persons shall haue the administration doing and performing of the affaires belonging to the said Bishoprik, and for the weale of the said Cathedrall Kirk, which were doone of before by the Prior and his Chanons, And concerning the election of the Arch-Bishop of the said Sea, whensoever the same shall hereafter vaik.

OUR SOVERAINE LORD, with advise foresaid, Declares, statuts, and ordeins, the said Arch bishop to bee elected by eight Bishops of his Dioces. The are to say, The Bishop of *Dunkeld*. The Bishop of *Aberdeen*. The Bishop of *Brechin*. The Bishop of *Dunblaine*. The Bishop of *Ross*. The Bishop of *Murray*. The Bishop of *Orkney*. The Bishops of *Cathnes* And be fyue Ministers serving the cure of the Kirks vnder written, to wit; The Principall of *S^t. Leonards Colledge*, The Arch-Deane of *S^t. Androes*. The Vicare of *S^t. Androes*. The Vicare of *Leuchers*. and the Vicare of *Cowper*. Which Bishops and Ministers or the most part of them shall haue power in all tyme to come. To elect the Arch-bishop when euer the Sea shall vaik, and shall remaine hereafter the Chapter appointed by Our Sovereine Lord, and Estates, for the election foresaid. The Vicare generall for conveining of the which Electors, Our Sovereine Lord, and Estates, Declares to bee now and in all tyme comming the Bishop of *Dunkeld*, who shall happen to bee for the tyme. And siclyk Our Sovereine Lord, with advise of his Estates, declares, statuts, & Ordeines, that the Arch-bishop of *Glasgow*, whensoever that Sea shall vaik, shall be elected by the three Bishops of his Diocesis; to wit, the Bishop of *Galloway*. The Bishop of *Argyle*. The Bishop of the *Yles*. being for the tyme, and by his ordinar Chapter or the most part of them, The Bishop of *Galloway* being alwayes conveyner of the saids Electors to the said election. Which persons shall haue power onely in the said election seing it is the expresse will and ordinance of his Matie. and Estates, that the old and ordinar Chapter of *Glasgow*, and the other Chapter aboute written appointed for the Sea of *S^t. Androes* as said is, shall haue the onely administration of these things concerning the affaires tending to the weale of their Cathedrall Kirks, and belonging theiro, as the olde chapter formarlie had, and these others Chapters before mentioned appointed

appointed allanerlie for election of the saids Arch-bishops shall no wayes be derogatorie to the others ordinarie Chapters establishe'd for the handling of the effaires of their Seas in maner aboue written.

ACT III.

Anent the plantation of Kirks.



UR SOVERAINE LORD, Considering that their be divers Kirks within this Kingdome not planted with Ministers, where through ignorance and Atheisme aboundes amongst the People; and that monie of these that are planted, haue no sufficient provision or maintenance, appointed to them, whereby the Ministrie are kepted in povertie and contempt, and cannot fruitfullie trauell in their charges. Considering also that nothing is more properlie belonging to his Princelie care then to see to the gude estate of the Kirks within his Dominions, out of that zeale which his Majestie beares to the promoting of the Kingdome of CHRIST.

AND for ane perfite remedie of those euills with advise and consent of the Estates of Parliament, hes granted full power and commission to the Lord Chancellor for the time, and to the reverend fathers in God *Ihon* Arch-bishop of *S. Androes*. *James* Arch-bishop of *Glasgow*. *Alexander* Bishop of *Dunkeld*. *Alexander* Bishop of *Aberdeen*. *Alexander* Bishop of *Murray*. *Patrick* Bishop of *Ross*. *Adam* Bishop of *Dumblane*. And *William* Bishop of *Galloway*. Eight persons nominat for the Clergie & Prelats. And incase of the deceis of any of them, To *Andro* Bishop of *Brechin*. *George* Bishop of *Orkney*. *Andro* Bishop of *Argyle* and *Ihon* Bishop of *Cathnes*. Which foure persons his Majestie and Estates, hes nominat to supplie and becom in the place of any of the other eight foresaids, gif any shall happen to deceis before this Commission be finished. To wit the first of the foure in the place of the first of the eight deceissand, and so in order successivelie as they are named. And to *Ihon* Earle of *Mar* Lord Thesaurer. *James* Marquis of *Hamilton*. *James* Earle of *Abercorne*. *William* Earle of *Tullibardin*. *Robert* Earle of *Roxburgh*. *Ihon* Viscount of *Ludverdaile*. *Thomas* Lord of *Binning*. and *David* Lord of *Carnegie*. eight persons nominat for the Nobilitie, And incase of any of their deceisses, To *Alexander* Lord *Elphinstown*. nominat to become in the place of the first deceissand. *Alexander* Earle of *Eglinton* in the second, *Ihon* Earle of *Perth* in the third, and *Ihon* Lord of *Balmirrenoch* in the fourth. And to the Commissioners vnder written nominat for the Barrones, To wit, *William* Douglas of *Drumlangrig*. *Sir* *Water Dundas* of that ilk. *Sir* *James Haliburton* of *Pitcur*. *Sir* *Ihon Hamilton* of *Lettrik*. *Sir* *Ihon* *Wais Barnbarroch*. *Sir* *Andro Murray* of *Balwaird*. *Sir* *Alexander Gordon* of *Cluny*. and to *Sir* *George Auchinlek* of *Balmanno*. And incase of any of their deceisses, to *Thomas Vrqward* Shiref of *Cromartie*. *Sr* *Alexander Strachan* of *Thornton*. *Iosias* Stewart of *Boniton*. and *Sr* *Robert* Stewart of *Schillinglaw*. persones nominat to become in order as they are named in places of any of the eight deceissand, And to *James Arnot* burges of *Edinburgh*. *Mr*. *Alexr* *Wadderburn* Clerk of *Pondie* *Sir* *Thomas Menzie* Provest of *Aberdeen*.

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dein. Ihon Scherar burges of Sterling. Andro Milne burges of Linlithgo. Ihon Osburne burges of Aire. Ihon Matheson Clerk of Carel. and Sir George Bruce of Carnock knight burges of Culros. eight persons nominat for the Burrowes, and in case of any of their deceisses to *Alexander Clerk marchant burges of Edinburgh M^r William Fergusson burges of Dondie. George Nicolson burges of Aberdeen and Ihon Williamson Clerk of Sterling.* Persons nominat to supplie in order any of the other eight commissioners foresaids deceissand. Which forsaids commissioners or any fyue of ilk Estate nominat as said is consenting and agreing in ane voice shall haue power to conveine consult and determine vpon the maters and in maner vnder written. Provyding alwayes that their is and shalbe necessarlie requisit to the validitie of any Act, conclusion ordinance and determination of the saids commissioners the conjunct assent of fyue of everie one of the saids foure Estates all agreing together in ane voice, without the which consent of the saids fyue of ilk Estate so agreing, the rest of the saids commissiouners shall haue no power to mak any valide or effectuall conclusion be vertue of this præsent commision, but whatsoever shall be otherwise done is declared to be of no availe force nor effect.

That is to say, OUR SOVERAINE LORD and Estates of Parliament, bee the tenore hereof giues grants and commits, full power and authoritie to the saids Cōmissiouners, to meet and conveine in the towne of *Edinburgh*, at such tyme and tymes as they shall appoint and find convenient, and there to call and summond before them; All Patrons, Taks-men of Teindes great and small, and all others having right by whatsoever title to the Teindes within this Kingdome, as they shall think necessare and expedient to exhibite and produce before them, their rights and titles whereby they claime the saids Teinds, to be seene and considered by the saids Commisshionars. With power to them out of the saids Teinds of euerie Parochin, to appoint and assigne at their discretions an perpetuall locall Stipend, to the Ministers present & to come, at all Kirks that shall be found by them either as yet not provyded at all with Ministers and Stipends, or wher the provision is lesse nor fyve hundreth marks of yeerely rent in money or fyve Chalders victuall (by manse & gleibe) or such proportion particularlie of silver and victuall as will effeire and extend to fyve hundreth marks or fyve Chalders victuall yeerely, And which is the least and meanest Stipend and Provision determined, appointed, and declared by his Ma^{tie}. and the Estates, to be giuen and assigned to any Minister for his locall Stipend in tyme comming, where the fruites of the Benefice will extend to that quantitie in maner vnderwritten, and that notwithstanding of any right or title pretended by the saids Taks-men, or others in whose favours Teinds haue beene erected: With speciall power also to the saids Commisshioners to vnite such Kirks one or moe as may convenientlie be vnite, Where the fruites of any one alone will not suffice to entertaine ane Minister. In the which case of vnion of such Kirks if it fall out that necessitie offer to vnite Kirks belonging to presentation of diuerse Patrons, the presentation of the Ministers shall be appointed by the saids Commisshioners to pertaine to the Patrons (*alternatis vicibus*) to the which Commisshioners, his Majestie & the Estates, doe recomend and refer to consider and appoint farther sick
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solid order as may be best taken and stand with the least praejudice of any of the Patrons, and as they shall be found to haue more or lesse interefs in the Kirks to be so vnited. IT is alwayes prouyded, that whereas there are diuers Kirks whereof the fruites of any one will not extend to the quantitie of fyue Chalders victuall, nor fyue hundreth Marks of siluer in yeirlye commoditie, and that the rents and whole patrimonie theirow are no wayes answerable to that proportion, and so is not sufficient the alone for the full maintenance of ane Minister, and yet neuertheles, for distance of place or others lawfull causes may be found incommodious to be vnited, whereby necessitie will evince that everie Kirk in that estate, should be planted with their owne particular Minister to serue thereat whose provision behooues necessarlie to consist of the fruites of the benefice it selfe how meine soeuer the same be.

THEREFOR IT IS Declared that it shall be sufficient to the saids commissioners in that case to assigne & appoint to the Minister to be planted at any sick Kirks the whole fruts pertaining to the Patrimonie thereof, by and attour his Manse, and gleibe. Which fruits are to be injoyed be him and his successors thereafter as their perpetuall Locall Stipend and provision. And to the end the said Commission may tak the better effect and for ane solide order anent the provision of the saids Kirks with their certaine definite Stipend, and that it may be cleirlye knowne what shall be the proportion and quantitie of any stipend which shall be heirafter apointed to euerie Minister at any Kirk aither not prouyded at all or not sufficientlie prouyded as said is. OUR Sovereine LORD and Estates declares that the least and meanest Stipend which they haue apointed to be heirafter prouyded be the saids commissioners to any Minister shall not bee vnder and within the quantitie of fyue chalders victuall or fyue hundreth Marks of money, or proportionalie part of victuall and part thereof in money according as the fruits and rents of the Kirk may yeild and afford, and as the saids commissioners shall think expedient effeirand to the saids fyue chalders victuall or fyue hundreth markes money, by and attour their manse and gleibe, where the whole fruits of the Kirk will extend to the quantitie foresaid, and that the greatest and most stipend which the saids commissioners shall haue power to assigne for stipend to any Minister at any of the saids Kirks, either not planted or planted and prouyded with stipends within and vnder the said fyue chalders victuall, or fyue hundreth marks of money as said is, shall not exceed the quantttie of Ten chalders victuall or ane Thousand marks of money and proportionalie part of money and part of victuall at the consideration of the saids commssioners, as they shall find be examination of the rents of the Kirk most convenientlie may be payed by and attour their manse and gleibe. Swa the greatest shall be ane Thousand marks or Ten chalders victuall with manse and gleibe, and the least fyue hundreth marks or fyue chalders of victuall with manse and gleibe, except where the whole fruits of the Kirks will not extend to that quantitie as said is. And finds and daclares that all Kirks which are planted with Ministers whose stipends extends to fyue chalders victuall, Or fyue hundreth marks of silver or part of both effeirand to the whole by their manse & gleibe (the same being made sure to them) are expresse excepted out of this

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mission, and no wayes comes vnder the compas thereof, neither shall the saids commissioners haue any power be vertue heirof to medle with any Kirks or stipends which are in that case, seing the said commission is not extended to the same. IT IS also proyded that where any Kirks are alredie sufficientlie proyded, albeit their provision does exceed the foresaide quantitie of Ten chalders victuall, or ane thousand marks of money, And als where the fruites of any benefice are in the possession of the Minister, that the same shall be continued in the estate wherein it is at the præsent, and not to be medled with be vertue of the said commission. And because reason and æquitie craves that recompens should be made vnto the taks-men and others persons whatsoeuer who shall be by the sentence of the saids commissioners hurt and præjudged of their present profit which they may lawfullie bruike be vertue of their tytles and richts established in their persons and vpon whom be vertue of the saide sentence any burden of the sustentation and provision of the saids Kirks and Ministers is to bee imposed.

Therefore OUR said Sovereine LORD, and Estates of Parliament, giues full power and commission to the saids commissioners, so to proceed in the determining of the saids recompenses, That in case the Lord or any other hauand right to erected Prelacies who shall be cited before them refuse to take the burding of plantation of any Kirks belonging to the saids erected Prelacies, which are not planted or to helpe sick other Kirks of the same as are not weell and sufficientlie proyded, according to the tenor of the foresaid commission, and that vpon their refusall (the said refusall being first found reasonable be the saids Commissioners) the burding of the said plantation or farder provision shall be laid & imposed be the saids commissioners in whole or in part, either vpon the principal taks-men of any of the fruits of the saids Kirks, Or in case of the taks-mens refuse the burding be imposed vpon the subtaksmen therof the saids Commissioners shall haue power to decerne appoint and ordein sick particular recôpens to be giuen to the saids taks-men or subtaksmen be renewing of their taks or subtaks after the expyring thereof vpon sick conditions as the saids commissioners shall find reasonable, respect being had to be qualitie and proportion of the burding to be imposed vpon them within the tyme of their Taks and rights farder then they are astricted be their saids rights or be appointing sick other reasonable satisfaction as they shall find the said burding and distres vndergone be any of them shall deserue and require.

Lyke as the saids commissioners shall haue sicklike power to determine decerne and appoint sick particular satisfaction and recompens to be giuen either to laik Patrons or to the taks-men of the fruits of the Kirks belonging to the lyke patronages, and subtaksmen thereof as they shall think may be answerable to the burding to be imposed vpon either of them for the cause aboue written proportionallie. IN the prescrying of the which recompens the saids commissioners shall haue speciall respect, what consideration they find reasonable to be giuen to the saids Patrons for their consents to the taks if any shall be appointed and decerned to be set and giuen to the saids taks-men for recompens foresaid. And if any beneficed person vpon just & reasonable causes refuses to provyd any Kirk belonging to their benefice according

ding to the order hereby prescruved whereby the burding of plantation or farder provision of the Kirk must necessarlie lye vpon the Taksmen or subtakmen of the fruits thereof. The saids commissioners in that case also shall decerne sick recompens to be giuen to the saids taksmen & subtakmen for their losse & preiudice susteined, as the saids commissioners shall find the same shall merite be renewing of taks to them vpon sick conditions as may requyte their losse, or be finding out some other reasonable meane which may repaire the same. And OUR said Sovereine LORD with advyse and consent of the saids Estates Declares Statuts & Ordeins, That all taks which shalbe decerned be the saids commissioners, to be given in recompens to any person whatsomeuer for the causes aboue written and which shall be set for obedience, and conforme to the said decreit & sentence: whatsomeuer yeeres or long space the saids taks shall comprehend, shall be gude lawfull & sufficient securities to the persons in whose favours the same are appointed to be giuen & conceiued, neither shall the same be any wayes preiudged be the Act made in this present Parliament, be the which it is Statut that no Arch-bishop Bishop or Prelat should set in tak any part of their patrimonie for longer space nor nynteene yeeres, and that no inferior beneficed person shall set in tak any part of their benefice for longer space nor their owne lyftymes and fyue yeeres thereafter, as the said Statut proports, fra the which Statut the saids taks so appointed to be set and giuen in recompens are and shalbe excepted & reserved and shall no wayes come vnder the compas of the said Act and Statut nor in any thing theirin conteined, but the same shal remaine and abyd valide and sufficient rights for the whole space and yeeres appointed theirin according to the tennor thereof, notwithstanding of the said Act and Statut. AND because it may fall furth that in the recompens to be appointed by the Commissioners to the Patrons Taksmen and Subtakmen for the foresaid burding to be imposed vpon them, moe yeeres may be assigned for prorogation of their present taks nor may lawfullie or conveniently be set be the present beneficed persons to whom be Law the setting of taks of Teinds belongs. For remeid thereof OUR Sovereine LORD with advyse & consent of the saids Estates Declares, Statuts and Ordeins, That it shall be lawfull to the commissioners foresaids to appoint als many yeeres after the expyryng of the present taks to the taksmen of the saids Kirks and Teinds orto the Patrons or subtakmen respectiue for bruiking of the saids teinds for recompens of the said burding as they shall think resonable which shall be als gude valid and sufficient rights to the saids Patrons taksmen and subtakmen respectiue and to their heirs and assignayes for bruiking possesing and disponing vpon the saids teinds during the saids yeeres of prorogation, as if gude lawfull and valid taks and rights of the saids teinds had beine set & made to them be the Titulars of the benefices to whome the same belonged with consent of all parties hauing entresse. With expresse provision & declaration that at the expyryng of all the saids yeeres, the right of the saids teinds and power to set taks thereof, shall returne and apperteine to the said Titulars of the foresaids benefices as they did before the making of this present Act. AND OUR said Sovereine LORD with advyse of the saids Estates

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declares and ordains this commission to laist and endure to thee feist and tearme of Lambes In the yeere of God Iai vj^e and eighteine yeeres. After the which tyme the same shall cease and expyre. And ordeins the decreit and sentence of the saids commissioners in all the particulars fore saids and everie ane of them to haue the strength force and authoritie of ane decreit sentence and Act of Parliament. For obedience whereof the Lords of Session shall direct and grant letters in forme as effeirs and according as shall be necessar, VVhich comission aboute written taking force and full effect in all the saids particulars therein conteined as the same are set doune and comprehended therein be pronounciation of decreit and sentence vpon the same conforme to the power therein comprehended giuen to the saids commissioners,

OUR SOVERAINE LORD with the expresse consent and assent of the Estates in that case, Finds and declares, that no person in whose favours the teinds of Kirks and benefices are erected nor no other whatsomeuer, bruiking teindes be vertue of rights lawfullie made to them of the same according to the Lawes of this Realme then standing shal be euer farder altered or querelled in any of their saids rights in any tyme to come farder then shall be appointed be the said decreit & sentence to follow vpon this present commissioun, bot the saids rights and securities in case foresaid shall remaine in the owne strength force and effect as gude lawfull and sufficient rights and securities to them and everie one of them for their owne parts for bruiking and injoying the saids teinds conforme to the tennor of the saids rights for now and ever.

ACT IIII.

Anent the setting of taks be prelats and others beneficed persons.

OUR SOVERAINE LORD with advise and consent of the Estates of Parliament Statuts & Ordeins that no Archbishop Bishop, or other Prelate within this Realme, shall hereafter set in tak and assedation any part of their Patrimony for longer space then Nyntein yeeres. And that no inferior beneficed person, shall set in tak ony part of their benefices for longer space then their owne lyfetimes and fyue yeeres after their deceis vnder the paine of deprivation of the persons contraveiners from there offices and benefices and to bereput from that tyme furth infamous and incapable of any publick function in the Kirk. And for the better discovering of the taks that shall be set be inferior beneficed persons for longer space then is aboute written.

IT IS Ordeined that all the taks that shall hereafter be set be any of them for longer space then is before mentioned, shall be registrat in ane Bookewhich the Clerk of Register shall keipe for that effect, within the space of fourtie dayes after the setting of the same Tak, otherwayes the said tak so set for longer space shall be null and of no effect to the taksmen thereof, be way of exeception or reply without any other action procefs or declarator of Law.

IT IS alwayes declared that this Statut shall no wayes be extended to any taks or subtraks or conditions for setting of taks or subtraks for longer space

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space nor is aboue written. Whereas the same depends and are made or appointed to be made conforme to the Commission granted be OUR SOVERAINE LORD with advise of the Estates of Parliament for plantation of Kirks, in maner as is speciallie set doune in the said commission.

ACT V.

Addition to the Act anent dilapidation of Benefices.



OUR SOVERAINE LORD with advise & consent of the Estates of Parliament, Ratifies and approues the Act of his Highnes Parliament halden at *Perth* the nyat day of Julie the yeere of GOD Jaj vj^e and sex yeeres. Anent the dilapidation of the rents of Prelacies. With this addition, Whereby his Highnes and Estates foresaids, Finds decernes & declares, that taks or assedations to be made of any quotes of Testaments or any other casualitie pertaining to the saids Prelats in tyme coming to be null and of no availe force nor effect, and that it shal not be lawfull to any Prælat within this Kingdome hereafter to dispoñe alienat or set any of his casualities in whole or part longer nor during his owne lyfetye allenerlie, but prejudice of the taks if any be set before this Act as accords of the Law, to the whilks thir presents shall no wayes be extended.

ACT VI.

Anent furnishing of necessars, for ministratiō of the Sacraments.



OUR SOVERAINE LORD, with advise and consent of the Estates of Parliament, Ordeines that all the Paroche Kirks within this Kingdome be provyded of Basins and Lavoirs for the ministratiō of the Sacrament of Baptisme, and of Cuppes, Tables, and table clothes, for the ministratiō of the holie Communion, which shall be receiued to that vse be the Minister of the Paroshin in sick convenient place as he shall find meet, for which he and his heires and executors shall be answerable to the Paroshin incase the same be lost or otherwayes vsed to any profaine vse. And ordeines the expenses thereof, to be made be the Paroshiners, and the Ministers of everie Kirk to doe their diligence for provyding the same, by causing the Parochiners stent and taxe themselves to the effect forsaide, betwix and the first of Februar next, vnder the paine of losing ane yeeres Stipend. And for putting the said Act in execution Ordeines the Lords of his Majesties Councell & Session to giue furth their letters for charging the Parochiners to coveine and taxe themselves to the said effect and make payment of the money wherein they shall be stented, as the same shall be requyred.

ACT VII.

Anent unlaues of absents from Parliament.



OUR SOVERAINE LORD, and Estates of this present Parliament, haue Ratified and approuen and by tennor hereof Ratifies and appro-

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and approues the thrittie fourt Act of his Highnes ellevinth Parliament Jaj v^c L^{xxx} vij. Intitulat (the vnlaw of absents frō Parliament) in the whole heids and clausēs thereof after the forme and tennor of the same in all points, with this addition that the vnlaw of the Cōmissioners of Barrens through their absence from Parliament shall be ane hundreth pounds money. And declairs that no excuse shall be receiued nor admitted hereafter for absence from Parliament, except their Licence be granted be his Highnes vnder his not and superscription if his Majestie be present within the Realme for the tyme. And in his Highnes absence be his High Commissioner of Parliament and in case of the said Commissioners absence their licence to be granted and subscryved be the Lord Chancellor and Lords of Secreit Counsell to be produced Judicillie the first day of the fensing of ilk Parliament to the Clerk of Register and his Deputes. And farther declares that in tyme comming it shall be lawfull to whatsomeuer Ducke, Marquis, Earle, Vicount, Lord, or Prelat within this Realme being absent from the Parliament and lawfullie excused as said is to send ane sufficient power subscryved with their hands to any one of that Estate heauand place and vote in Parliament who shall be admitted to reason and vote in Parliament and whole dyets thereof for that person absent sicklyke and, als frelie in all respects as if he had bene present himselfe. And ordeins the said former with this present at ilk Parliament, to be execute with all diligence. And the penalties therein mentioned to be vplifted to OUR Soveraine Lords vse be his Highnes Thesaurer.

ACT VIII.

ANENT THE IVSTICES

FOR KEIPING OF THE KINGS M. PEACE,

and their Constables.



OUR SOVERAINE LORD, with advise & consent of the Estates of Parliament hauing Considered the Articles & instructions giuen of before be his Majestie to the Justices and commissioners appointed for keeping of his Majesties peace and to their Constables which wer presented to his Highnes and vnto the saids Estates be the saids Justices and desyred to be authorised be decret and sētece of Parliament. Hes ratified and confirmed the same in manner as they are particularlie here set down and expressed in euery point and article thereof of the which the tennors followes. That is to say, THE COMMISSIONERS and Iustices of peace at their first admitting vpon the Bench shall giue the Oath following:
You

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YOU shall sweare that you as one of the Commissioners and Justice of Peace, within Shyre &c. according to your knowlege witt and power, shall doe equale right both to ritch and poore conforme to the Lawes and Customes of the Land and statuts thereof. And that you shall not be of counsell with any person in any querrell or matter depending before you, and that you shall euerie quarter keep the Sessions, or oftner as you shall be requyred not hauing any just impediment to the contrarie: and shal faithfullie and truelie discharge your duetic, as ane Iustice of his Majesties Peace, & shall leaue nothing vndone, that may tend to the preservation of the same, *So helpe you God.*

II.

Any one Justice shall haue power, vpon complaint of any person, being threarned, and fearing to bee wronged, to binde the partie complained vpon, vnder such a pecuniall summe, to keep the peace, as hee shall thinke fitting. As also, to commit him vntill suretie be found by him the said cōplainar alwayes giuing his oath before the Justice, that he hath just cause to dread him harme. And albeit no person complaine, yet if the Justice be credibly informed, of appearance of trouble betwixt any parties, he shall binde them to the peace in manner aforesaid: except the parties declare vpon their consciences that neither of them doeth beare any grudge to other. And all such bands shall be kept in record by him, and hee shall make deliuerie of the same to the Clerke of the peace, at the next Sessions, to be kept and registrated by him.

III.

If any person, being charged to make his appearance before a Justice of peace, and shall refuse or delay without cause: if the partie be a landed Gentleman, whose rentes excede ten chalders of victuall, or a thousand marks of siluer; then the Justice (whose command is contemned) shall informe the same to some of the Lords of his Majesties privie Counsell: to the effect the partie of the qualitie foresaid may be called and fined for his disobedience. And if the disobeyer be of a meaner degree, the Justice shall heirby haue power to command the next Cōstable: or in absence of a Constable, his owne seruant, or any other person, hauing a warrand in writ, subscribed by the said Justice of peace, with assistance of the countrey, to bring any such partie before him.

IV

If either the Shire or Baylie shal condemne any person in a bloodwyte, or otherwise convict him in any paine proper for him to impone, the Iustice, shall haue no power of new to fine that offender for that offence: but if they shall finde him not condignely punished in regard of the offence committed by him, they shall then informe his Majesties Counsell thereof that they may take order therewith. And if their be no satisfaction made by the Shire or Baylie to the partie offended, the Iustices may modifie a

D

reasonable

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reasonable satisfaction to the partie offended hee persuing therefore before them, and if they finde the satisfaction discerned by the Shiref or Baylie in favours of the said partie offended, not condigne nor answerable to the offence, and wrong sustained, then they shal also informe his Majesties Counsell thereof, that they may take order therewith as appertaineth.

V.

IF either Shiref or Baylie, or other Deputies be collusion with the delinquent, shal suffer any person guiltie to be quited or cleared by an Assise (the partie once cleared, is not to bee brought further in question before the Justices) but vpon their information, the Iudges are to be called, censured, and severely punished by his Majesties Counsell.

VI.

THe saids Justices shall hereby haue power to proceede vpon all persons cōmitting ryots, & breaking of the Kings peace, vnder the degree of Noblemen, Prelates Counsellors, & Senators of the Colledge of Justice: and to punish and fine according to the quality of the crime, and the estate of the offender. And if any of the saids persons being charged to compear before the said Iustice, shall disobey the summons being indorsed, the lawfull citation verified & fact proven, the Iustices shall punish and fine the not compearing, according to the quality of the crime, and the estate of the offender. And for the more cleare determination of the order which shall be kept by the saids Commissioners in the deducing of of any such process. Our Sovereine Lord, with advise of the Estates declareth, that it shall be lawfull to the saids Iustices whensoever they haue any occasion to move any action against parties for committing any like fact or ryot, to refer the first summons to the parties oaths of veritie in case of inlake of other lawfull probation) who being personally summoned by that first citation, shall be holden as confest and decreit to be pronounced against him, conforme to the libell and summons. And if he be not personally summoned by the first citation, the saids Commissioners shall be holden to cause sumond him of new againe by a secound summons, at his dwelling place: which two citations shall be als sufficient to infer decreit, and sentence vpon the libell against him as if he were apprehended personally. And which sentence giuen after the maner and forme of probation aboue written. His Majestie with advise foresaid authorizes, and sustaines as good and lawfull in themselves. And concerning these persons of higher degree, the saids Commissioners shall vse all their power for preventing and staying of the ryots, commanding the attempters in his Majesties name to cease, and to finde caution for keeping of the peace, and for their compeirance before his Majesties Counsell. And if any person, being charged to finde caution, and refuseth or delayeth to doe the same, and in the meane tyme contraveneth the said charge, by cōmitting of some deide betwixt the time of the charge and finding of the caution: neuerthelesse he shall be answerable for the paine from the date of the charge, like as if caution had bene then found.

VII.

THe saids Cōmissioners shall put his Majesties Act of Parliament to due and full execution against wilfull beggers & vagabonds, solitarie & ydle men and women, without calling or trade, lurking in Ale-houses, tyed
to no

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to no certaine services, repute & holden as vagabonds: and against those persons who are commonly called Egyptians: and they shall punish and fyne their recepters, and setters of houses to them accordinglie, by such competent paines as is proper to them to injoyne.

VIII.

THe saids Commissioners and Iustices of Peace, are hereby authorized, with power to giue order (as they shall think most convenient, and with least grieve to the subjects) for mending of all High-ways and passages to or from any market towne or Sea-port within that Shire: and shall call before them all such persons as shall strait these passages (or otherways by casting of Ditches and fuscis thorow the same) shall make those high-ways noysome and troublesome vnto passengers: and shall punish & fyne them according to the qualitie of their offence. And to the effect it may be known of what breadth all common high-ways should be to Market townes, Our Sovereaine Lord, with advise foresaid, declares, that the same should be of XX foote of measure in breadth at the least: & where any are of larger breadth, they ordaine the same so to remaine vnaltered or straited: and that the saids Iustices mainteine the same, with all other ways from any towne in the parosh to the parosh Churches, in the estate as they are: & where they finde any necessitie of others ways from any towne in the parosh to parosh Churches, they shall informe his Majesties secret Counsell thereof, who shall giue them (after sufficient information) their direction thereanent: according wherevnto they shall be holden to proceed. And if any person refuse to concur for mending of high-ways and passages, the saids Iustices shall haue power to censure and punish them according to their discretion: with provision alwayes, that if in their proceedings therein they vse such seueritie or rigour, as may move iust complaintes against them; they shall be censured therefore, by his Majesties secret Counsell, as appertaineth.

IX.

THe saids Commissioners shall put his Majesties Acts of Parliament, to execution against cutters & distroyers of planting, greene wood, Orchards, Yards, Haynings, breakers of Doue-houles and Conningers, stealers of Bees & Bee-hyues, vsers of vnlawful games, with lying dogges slayers of red & blacke fish & smolts in forbidden time, Fowlers fowling in other mens lads, makers of moore-burne and mosse-burne, setters of cruves or nettes in waters and dammes, having and keeping of cruves and yares in forbidden time: and shall proceed against them accordingly: and for their better warrand, to proceede in thee premisses. IT is his Highnes pleasure, that commission shall be granted to the saids Iustices of Peace, to trie and punish the violaters of the said Acts, in the triall whereof they shall proceed by witnesses, by oath of partie, and the punishment to be inflicted by them, shall be a pecuniall summe, answerable to the circumstance of the offence, & qualitie of the offenders with speciall provision, that their censures and punishment shall extende against none but those against whome by priviledge of their instructions they may lawfully proceed, & also with provision that the saids commissions be not extended to any persons who shall be arrested and conveyed for the saids crymes before any

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other ordinary Iudge It is also provided, that the ordinance and power contained in this Article, shall no wayes be prejudiciall to any others commissions or rights whatsomever granted to others parties, whereby they haue power to proceede, and censure the crymes & offences aboue written.

X.

ITem, they shall informe the Kings Majesties Counsell, and his Highnesse Thesaurer or Advocate, at the least once euery yeere, of fore-stallers & regraters of Markets, that order may bee taken with them conforme to Acts of Parliament.

XI.

IT shall not be licenced to any Hostler to recept any masterlesse-men and rebels at the Horne, any vagabondes, or other persons guilty of known crymes, or vsing stouth & reaf, vnder the paines vnderwritten, To wit, fourty shillings to be incurred by them for the first fault, foure poundes the secound, and ten marks for the third, together with the lossing of the libertie of Bruing, the incurrers of the which Paines, shall be punished according to the order asorfaid, by the Barons and Masters of the ground whereupon the Hostler dwelleth, within the space of fifteene dayes after the committing of the fact, and if the saids Barons and heretors neglect to doe the same within the said space, it shall be lawfull to the saids Iustices to persue and fine the delinquents in their courts, according to the pains foresaid, and to vplift the same from them, without prejudice alwayes of whatsoeuer others Actes made against the saids Hostlers in the Barron Court bookes vnder whom they dwell, bearing any higher paine then as is set down in this aboue written Act, and also without prejudice of all action criminall or ciuill, competent of the Law aginst the saids Hostlers, in case they be vnder the danger thereof, which shall not bee taken away by any punishment set downe, and to be inflicted conforme to this Act.

XII.

ITem, they shall informe the Kings Thesaurer and Advocate of breakers and contraveners of the Acts of Parliament made against Mault-makers, that the transgressours and contraveners thereof may be punished conforme to the tenor of the saids Acts.

XIII.

They shall set down order in the countrey for gouernance in time of Plague, and shall punish seuerely the disobeyers of the order appointed by them, according to the quality of the delict

XIV.

They shall appoint at their quarter Sessions, to be kept in August and Februarie, the ordinary hyre and wages of Labourers, Work-men and servants, and who shall refuse to serve vpon the price set downe by them, shall be imprisoned, and further punished at their discretion: And to the effect that Servants may be the more willing to obey the ordinances to be made by the saids Iustices and the saids fies, the saids Iustices shall haue Power to discerne, and compell the Master to make payment of the fies appointed by their ordinance, in case the Seruants please rather to persue

persue for the same before them than any other Judge.

XV.

THe saids Commissioners shall take notice in all Shirefdoms where there are any Gailes and prison-houses within any Burgh, that the same may be kept vp, and not suffered to decay or become ruinous. And if there be any shire where there is not any Gaile or Prison-house, they shall informe his Majesties Counsell thereof, that they may appoint and giue order for building of one within the head Burgh of the Shire, and according to the directions to be giuen thereanent, the Justice shall be holden to proceede.

XVI.

ANd because there be a great many of Prisoners apprehended and committed, who hauing no meanes of there owne for their maintainance and entertainment, will otherwise, famish and sterue, before they can come to their tryall: who not the lesse in regarde of the crimes they haue committed, can no wayes be put vnder surety, or otherwayes in faults of lesse consequence, are vnable to find sufficient caution to be made forth comming and answerable at the next Session. Therefore it shalbe lawfull to the saids Commissioners and Iustices at their Quarter Session, to rate every parishin for a weekly proportion for the entertainment of those poore Prisoners, providing they do not exceede the summe of fiue shillings, Scots money, at the most, nor vnder one shilling at the least: which summe shall bee vplifted for that vse by the Minister or Reader, who shall serue at every parish, from such Deacons who shalbe appointed to collect the same: and the saids sumes to be deliuered by the Constable of the parish, at the Quarter Sessions, in presence of the whole Bench then conueaned, to such persons as the saids Iustices shall trust therewith, and who accordingly shall make due account in paying the Gaylers such rates as shall bee allowed for the poore Prisoners, and making the rest forth comming for such vse and intent of the like nature, as the saids Iustices shall appoint.

XVII.

ALL Magistrates of Burghs, and keepers of any Gailes or Prisons, shall receiue into their Prisons all such persons as either shall be brought by Constables, or sent vnto them by warrandes, vnder the hande of any one Iustice of Peace (the saids Iustices causing satisfie for their entertainment) and if any Magistrates, or their Gailers, suffer any persons, comitted by the Iustices to their prisons, to escape, they shall be condignly punished therefore at the discretion of his Majesties Counsell.

XVIII.

ITem, our Soveraine Lord with advise forsaide, ordains the saids Commissioners to set a price vpon Crafts-mens work, and vpon the ordinairs of pennie-Brydalles, together with the price of Shearers fees, and to punish the contraveners as appertaineth.

XIX.

They shall cause sufficient single and double Ale to be brued in everie Shire, and shall appoint visitors to that effect, with consent of the Baron and ouer-lord of the Ground. They shall set downe Acts against notorious and common Drunkards, & impose summes vpon the cōtraveners

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according to their qualities and deserts.

XX.

Our Sovereine Lord, with advise a foresaid, declareth that the Iustices of peace shall bee a full number and Session to decyd in matters occurring betwixt the foure Quarter Sessions.

XXI.

Also declares, that no letters of Caption ought to be granted against the saids Iustices for apprehending of Rebells, except they be found subject to doe the same, by possessing of such other offices and places, to the which the obedience and putting to execution of any such charges doth belong.

XXII.

And because there is sensible prejudice seene and felt through many parts of the Kingdome, by reason of the diversitie of Measures and Weights vsed in the same, Therefore OUR SOVERAINE LORD, with advise foresaid, for removing of all abuses, which may ensue in any time to come thereby, Hath found expedient, and by this Decreit and Statute of Parliament, decernes, statutes, and ordeines, That there shall be but one iust Measure and Weight through all the parts of the Kingdome, which shall vniversally serue all his Highnesse Lieges, by the which they shall sell and buy, and receiue and giue out in all times to come: which Measure his Majestie, with advise foresaid, finds, should be that measure of Linlithgow, which is now commonly vsed, and which hath bene vsed most customably thorow the greatest part of the Kingdome these fifty or threescore yeeres by past. And for setting of a perfect order, whereby all the measures that are now vsed may be reduced to the conformity of the said measure now authorized, And for making of proportion answerable betwixt the lesser measure and weights, and the greatest, His Majesty, with advise foresaid, hath graunted full power and comission to *Sir James Weymes of Bogie Knight. Sir George Auchinlek of Balmaine knight. Sir James Fowles of Colington knight. Sir Robert Stewart of Schillinlaw. Sir Iohn Waus of Barnbarro Knight. Sir William Greirson of Lag Knight. and to James Nisbet Bailie and burges of Edinburgh. M^r Alexander Wedderburn Clerk of Dondie. Sir Thomas Menzeis Prouest of Aberdeen. James Hamilton Prouest of Glasgow. Iohne Osburne burges of Aire. and Sir George Bruce of Carnok burges of Culros.*

Whom, or any eight of them, his Matie, with advise foresaid, ordeins to meet and conuene together at such time and place as they shall thinke expedient, and to consult and advise together, and to appoint and determine vpon the most convenient meanes, how the said measures & weights may be reduced to the conformity aforesaid. And after they haue ripely advised therewith, and giuen foorth their determination thereanent, they shall deliver the same, and whole course of their proceedings to the Commissioners and Iustices of Peace, & to the Deanes of Guylde of the head Burghs of the Shires, who shall be holden carefully to doe their diligence, to see the Measure foresaid, nowe appointed, to haue the course through all parts, as well Burgh as Landward. And that there may be one constant conformitie betwixt Burgh and Land, OUR SOVERAINE LORD, with advise foresaid, ordeins, the saids Iustices of peace in Landward, to take tryall of the mea.

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the measures and weights vsed in burgh, and to take NOTE from the Magistrates and Deanes of Guylde of every Towne, of the weights and measures, & of the number thereof, which the saids Magistrates and Deanes of Guylde in Burgh, shall bee holden to shew, declare, and giue vp to them, to the effect the saids Iustices to Landwart, may cōferr the same with the Standard nowe authorized, and where they find any disconformity in the same, from the said Standard, the saids Iustices shall informe the Kings majesties Counsell thereof, that they may take order therewith as appertaineth. For it is expressly provided by these presents that the saids Magistrates in Burgh shall not be permitted to haue or vse any moe measures within their townes, than the number to be professed by them, and giuen vp in NOTE, to the saids Iustices to Landward, as saide is. This alwayes being respected, that if the saids Magistrates within Burgh find any necessity for hauing any moe measures then was giuen vp, and vsed by them before, IT shall be licenced to them to make moe measures, they being answereable and conforme to the Standard, and making the saids Iustices to Landwart foreseene and acquainted therewith, and declaring the number of the measures whereof they find the necessity of vse.

THE saids Iustices shall be holden to giue command and direction to their Constables, to apprehend any such person who shall be founde contemptuously to haue disobeyed the censures of the Church, they being lawfully required to doe the same.

XXIII.

THe saids Iustices of Peace, aswell to Burgh as Land, shall conueane and be present at the quarter Sessions of the Shyre, where the Burgh and Land lyes, giue their oath to the Bench at their admission, make their recorde, and make payment of the fynes intrometted with by them as Iustices of Peace of that Shyre, and to their Collector.

XXIV.

THEY shall appoint a sufficient Collector for vplifting the fynes and penalties which they haue power to impose vpon an offender, and are to take caution of him for making due accompt.

XXV.

THEY shall haue, induring the tyme of Sessions, for every day of their abode (so it doe not exceede the number of three dayes at the most at one time) allowed to every one of them fourty shillings, Scots money. dayly to be payed and vplifted by the collector of the fynes, but neither Earle Lord, Bishop, Priuy-counseller, or Sessioner, shall haue any allowance: and all such Iustices as haue the benefite of that allowance, and shall be absent from euerie ordinarie Quarter Sessions, or otherwise when he is required lawfully by the *Custos Rotulorum*, to any particular meeting, shall incurre the penaltie of fourty pounds, Scots money, not being lawfully excused, and the excuse allowed by the rest of the Iustices there assembled.

XXVI

THE Lordes of Sessions shall direct generall and sūmaire charges of horing and poynding at the instance of the Collector (appointed in every Country for ingathering of all fynes and penalties whatsoever incurred vpon simple a charge of fiftene dayes, & no suspension shall bee granted,

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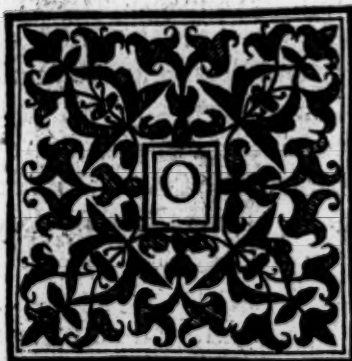
but vpon consignation of the summes contained in the sentence, and by finding caution for payment of charges of the Justices at the modification of the Lords.

XXVII.

THE saids Commissioners at the end of every Quarter Session, shall send to his Majesties Counsell a catalogue of all such persons as they haue either committed, or otherwise put vnder surety, with a short abreviate of the cause thereof: to effect, that therevpon the Counsell, as they shall think expedient, may returne to them against their next Session, or to the *Custos Rotulorum*, in the meane while their further directions.

ANENT CONSTABLES.

I.



OUR SOVERAINE LORD, with the advise of his Estates, finds and declares, that the Constables are to be made choise of, by the Commissioners and Justices of Peace in their Quarter Sessions throughout the whole countrey, two at least in everie paroshin, or moe according to their discretions, hauing consideration of the quality thereof. In great townes likewise (not being Cities nor free Burghs) they are to appoint a number of Constables proportionally to the greatnesse thereof: but in all Burghs Regall, and free Cities, the Constables are to be chosen by the magistrates of the same, & they are to indure, and to be changed from fixe to fixe moneths.

II.

AND who shall refuse to accept the charge and not to giue his oath for duetifull execution thereof, shall be imprisoned and fyned at the discretion of the Iustices of Peace, at their next sitting.

III.

The Constables shall take the Oath following.



YOU Shall sweare that you shall faithfullie and trulie discharge your office of Constabularie within the parochin of &c. induring the tyme appointed to you, and shall not for favor, respect, or feare of any man, forbear to doe what becommeth you of your office, and aboue all things you shall regairde the keeping and preserving of the Kings Majesties Peace, and shall at everie quarter Sessions and metting of Justices, giue true and due information of any breach, which hes bene made of his Majesties Peace, within the bounds of your commandement, & shall no way hyde, couer, nor conceale the same, nor any of the proofes and evidences which you can giue for the clearing and proving thereof, So helpe you GOD.

VI.

A Constable may apprehend any suspect man, who for the most part sleepeth all the day, and walketh in the night, and carry him to the next Justice of Peace, to find suertie for his good behaviour, or otherwise to bee committed to prison: and if he be a man of quality, the Justice of Peace shall goe with the Constable, and doe it.

Constables shall stay and arrest all Vagabondes, Sturdy-beggars, and Egyptians, and carry them before the next Commissioners of Peace, who shall take order for their committing, or punishment, according to the Statute of Parliament.

V.

Constables shall arrest all ydle persons, whom they knowe to haue no meanes to liue vpon, and will not take themselues to any labour, trade, or occupation, and shall carry them before the Commissioner of Peace, who after examinaton, shall either commit them, or take surety of them for their appearance at next Sessions.

VI.

ANY Constable hauing apprehended a person guilty and culpable of slaughter murther, theft, or any other capitall cryme wharsoeuer, shall then require his neighbours to assist, for safe conveying of such persons to the next Commissioner, who shall then examine the party, and set downe his deposition in writting, to be showne at the next Sessions, and thereafter shall send him backe to prison, And if a Nobleman, Prælat, or small Barron, or any in their names, hauing power, shall acclaime the right of Jurisdiction to proceed against the delinquent, The said Iustice shall receiue surety of the said party, who required the defender to be deliuered to him, that justice shall be duely ministred, and cause deliury of the said person, bee made to him. Alwayes the said Commissioner of Peace, at the next Sessions, shall certifie the whole matter to the Bench: to the effect they may inquire whether justice hath accordingly bene ministred: and if any fault bee found, to aduertise his Majesties Counsell, that order may be taken therewith.

VII.

ANY of his Majesties Subjects of the degree of Yeomen, who shall refuse or delay to concurre with the Constable in the executing of his office, shall be imprisoned and punished by the Commissioners and Justices; and if he bee of an higher degree and quality, the Constable shall informe the Justice thereof, that they may make the Lords of Priuy Councell acquaint, whom the Estates ordains to censure the offender according to the quality of the fault.

VIII.

A Constable shall arrest any person of the degree of a Yeoman, who shall be found wearing Hagbuts, Pistolets, and Dagges, and shall carry them before a Commissioner of Peace, who is either to take surety for their appearance the next Session, or commit them prisoners till they do the same but if the person be of higher quality, the Constable shall informe the Justice thereof, who shall declare the same to his Majesties Counsell, that order

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may be taken therewith.

IX.

IF any party of degree of Yeomen, doe complaine to a Constable, that he is threatned by any other, then shall the Constable apprehend the threatner, and carry him, with the party complainant, before the next commissioner of Peace: and if hee refuse to goe, then shall they carry him to prison. And if he be of an higher degree, the Justice being informed thereof shall informe the Counsell, & in the meane time, charge the party to keep the peace.

X.

ALL the Constables, at the least one of euery Parishes, instructed with commission, to answere for the rest within the said Parishes, shall attend at euery Quarter Session, there to giue information of all such misdemeaners as haue happened in those bounds since the last Session: and otherwayes to giue to the Bench further satisfaction in any thing wherein they shall be required: and and to receiue from the saids Commissioners, at the end of the Session, such orders and directions as they shall then inioyne, and appoint them to doe.

XI.

VPON the appearance of any Fray or stirre betwixt parties, the Constable may take the assistance of his neighbours, for sundring of the parties: and if there be any harme done to the constable or any of his assistance, by them who made the affray, they shall bee punished by the Justices at the next Session, they being of the quality of yeomen, and being of an higher quality, the Counsell shall be informed thereof, as said is.

XII.

WHEN any hath made an effray, and then flee to an house, the Constables may follow to the house, and if the doores be shutt, he shall take notize of the master of the house, and require witnesse thereon. And albeit the delinquent shall flee further without the boundes of the constables charge, yet may the constable follow, and apprehend him in a fresh pursute, and craue concurrence of the countrey to that effect.

XIII.

THE Constables within euery parishin, shall be executers of the precepts and warrands of the Justice of peace.

XIV.

CONCERNING the fees and satisfaction to bee giuen to the constables and clerks for their paines: OUR SOVERAINE LORD, with advise foresaid, ordaines the saids Justices to giue vp particulare Notes in writ to the auditors of his Majesties Chacker, of the fines inbrought to them, that out thereof such measure and satisfaction may be appointed and giuen to the saids clerks and constables, as may recompence their travelles, wherein if it shall bee found that the saids fines will not be sufficient, the saids Lordes of His Highnesse Chacker, shall appoint such further satisfaction to them, as in their discretion they shall thinke their labours and diligence doeth deserue, and cause them bee payed of the same. And notwithstanding of this aboue written Act, and all the particulars foresaids contained

ned in the same: OUR SOVERAINE LORD, with the advise and consent of the saids Estates, statutes, decernes, and declares, That the erection of the saids Commissioners and Justices of Peace, and grant of Iurisdiction and priuileges to them, nor the making or approbation of the particular Articles aboue written, introduced in their fauours, nor any thing therein contained, shall bee in any sort derogatory or præjudiciall to the rights, priuileges, or liberties granted and bestowed by His Majesty, or His Highnesse Royall Prædeceffours of before to any of His Majesties subiectes of whatsoeuer estate or quality, from the highest to the lowest: but declares, that the saids rights priuileges, and liberties, shall remaine in their owne integrity, safe, and intire, and vnhurt, or præjudged by the præmisses, or any thing expressed in the saids Articles, and euery one of them, and are holden as specially reserved excepted out of same.

AND least this aboue written reservation should seeme altogether to destroy the power, grated to the said Justices, or should beget controverfie betwixt them, and any other hauing right and libertie of iurisdiction, as said is: OUR SOVERAINE LORD, with advise foresaid, for removing of all question, which may arise betwixt them theiranent, Declares, That it shall not bee lawfull, nor permitted to the saids Justices, to make any citation of party before their court, till the expiring of the space of fife-tein dayes, after the cõmitting of the fact, for the which the committer is to be conueined, at the compleat out-running of the which space, if any hauing power and iurisdiction, as said is, hath omitted and neglected to vse and exerce the priuilege and liberty of their right, and power, it shall then be lawfull to the saids Justices to make citation, and to proceed against the parties, according to the power and authority giuen to them by his Highnesse, with advise foresaid, and conforme to the particular Articles aboue written, in all points, and no otherwayes.

Which all and sundry, the præmisses, OUR SOVERAINE LORD, with advise and consent foresaide, ratifies and approues, in all points in manner as the same propors, and giues vnto them the strength and force of Actes and Ordinances of Parliament, and ordaines execution to passe vpon the same as effectres.

ACT IX.

Anent teinding of Cornes.



Orasmuch as by diuers and sundry Acts of Parliament made of before, anent the order and manner of teinding of Corns, and specially by the eight Act of his Majesties xviii. Parliament, holden at *Perth*, vpon the nsinth of July, 1606. and sensyne by the fifth Act of the xxi. Parliament, holden at *Edinburgh*, vpon the 23. of October, 1612. the manner and forme of teinding, and the tyme and space appointed, for requisition to be made for the same is at length set downe: in the which Actes it is statute and ordained, That all Cornes shall be rei nded at three seuerall times in the yeere, if the owners

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thereof thinks expediēt: to wit, the croft-infield-corn at one time, the Beir at another time, and the out-field-corne at the third time, as the saids Acts proports: Neuerthelesse, OUR SOVERAINE LORD, for the greater weale and ease of his Majesties Lieges, finding it requisite, that the former Acts be altered in the points following. for setting of a cleare and certaine order, to be hereafter obserued, in all teinding of Cornes, Hath with advise and consent of the Estates of Parliament, statut and ordained, That it shall bee lawfull to all heretors and labourers of the ground, eight dayes being expired after the compleat shearing of every one of the threesorts of Cornes aboue written, to require the owner of the teind, at his dwelling place, within the parochin: and in case of his not dwelling therein for the time, his factor and seruant, or orther person (who is ordaind to be constitute, and specially designed by him in manner after mentioned) vpon the præmonition of foure dayes, to come and make thankfull teinding of the saids Corns: who sayling to doe the same, and neither the owner of the teind his selfe, nor the other person appointed, to be designed by him as is vnderwritten, comming and making the said thankfull teinding, being so lawfully required.

OUR SOVERAINE LORD, with aduise and consent of the saids Estates, declares, That it shall bee lawfull to the saids heretors and labourers of the ground, to separate the stocke from the teind, and to leade and carry their stocke away, and either to stacke the same within their Barnyardes, or to place the same in their barnes, leauing the teind vpon the ground, which they shall be holden to preferue and keepe vndestroyed or eaten by Beastes, for the space of eight dayes after the expyryng of the time of the said requisition: Which Cornes being so led and stacked, or placed in barnes, and the teinde being left on the ground, and preserved as said is, OUR SOVERAINE LORD, with aduise and consent forsaide, declareth, It shall be sufficient to liberat them of all danger of spuilleye, or wrongus intromission, which may be moved against them therefor in any time to come: And for more cleare explanation of the premisses, statutes and ordaines, the owner of the saids teinds, if hee haue not his dwelling within the saide paroshin (whose dwelling their would require præmonition to be made to him selfe at his dwelling place, as said is.)

To designe a speciall seruant and factor for him, to whom the said præmonitioun shall bee made in his absence, who shall haue his remaining either in some certaine, house within the parochin, or in the next most ewest and adjacent clachan, whose name and particular place of residence, the said owner of the teinds shall cause publicly intimate in the parosh Kirke, either vpon the last Sunday of July, or the first Sunday of August, yeerely in presence of the Minister of the parochin and parochiners, that no ignorance may bee pretended thereof: which factor so designed, shall bee warned either personally, if he can be apprehended, or by intimation to be made to the Minister of the paroch, and at the foresaid place to be designed for the factors remaining: which requisition so made, Our Soueraine Lord, with aduise foresaid, declares, shall be als sufficient, as if the same were made to the teinde master himselfe, like as it is declared, that (in case of the teinde
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masters, not dwelling within the paroshin, as said is) if the said designation bee not made of the saide factors name, and place of remaining, at the time and in manner as is before ordained, It shall be then also lawfull, the saids eight dayes and foure dayes beeing bypast, to the owners of the Corns; To separate the stock from the teind, and to lead, stack, and place their stocke in their barnes or barnyardes, as said is, leaving the teind vpon the ground, and preserving the same in manner before specified: Which being done, they shall be likewise free of all actions of spoyle, or wrongous incromission, which they thereby may incur. It is alwayes provided, by OUR SOVERAINE LORD, with advise of the saids Estates, That whereas by this Act and Statute requisition is not ordained to be made till the expiring of eight dayes after the compleat sheering of every one of three sortes of the corns before specified: yet not withstanding thereof, the saids Estates declares, That albeit the tenth part of every sort of the saids corns, or about the tenth part bee standing vnshorne and vncut downe, the not sheering of that quantity, shall be no cause nor impediment to stave the owner to make the requisition: neither shall the same furnish any lawfull excule to the teind master, vpon the pretext whereof hee should refuse teinding for the rest: but declares this Act to be effectuell, and to have the owne force, albeit the tenth part, or about the same, remaine vnshorne, as said is: the saids heretors, or labourers, vsing the like order of requisition, thereafter for teinding of the saids vnshorne cornes, the time when the same are ready.

ACT X.

Anent the Poore.

Orasmuch as there haue bene diuers worthy Lawes and Statutes, made by his Majesty, and his Highnes Predecessoures, for restrayning of ydle and masterfull beggers: and that notwithstanding thereof, the number of the saids Beggers hath daily increaseth more and more, and his Majesty, and Estates considering, that the cause of the multiplying of the saids Beggers, hath, and doeth, proceed from this ground, That no order hath bene taken in by-gone time, with the poore Children and Orphans, borne of poore and indigent Parents: who being tollerated, or neglected, at their first entry to begging, doth contract such a custome and habite that hardly they can be drawne thereafter to any other calling: whereas, if the saids children were in their tender yeeres put to worke, and imployed, and trayned vp, in any commendable labour, might thereafter not only relieue the countrey of their charges, but also proue profitable to the common-wealth: which might be easily performed, if the saids poore children were taken off the hands of their Parents, by some of his Majesties well-affected subjects in particular, or by any of the incorporations and Burghs within this his Majesties Kingdome in commone, and imployed in some calling or vocation, that might tend to the good of the Realme: Therefore, his Majesty, with advise and consent of the Estates, doth in most earnest manner, recommend to all his Highnesse louing Subjects, requesting them, as they tender the good and honour

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honour of the Realme, to receiue within their houses and family, and to take vpon their care, intertainment, and education, some of the saids poore and indigent children, on or moe, every persone according to his power & faculty: Like as his Majesty with advise foresaide for the further security of his Highnesse Subjects, finds and declares, That it shall be lawfull to his Highnesse Subjects, to take the saids poore children in their power, houses, and family, to be educate, and broght vp by them, either in their houses, or to be put by them to such Crafts, callings, and vocations, either within the countrey, or without the same, as they please: Which children so receiued, shall be oblished and bound, as seruants to the receiuers, in manner, and during the time after specified: It is alwayes declared, that the condition of the saids children, which shall be so receiued by his Majesties Lieges, and the manner of their deliury to them, shall be as followeth: that is to say. **THAT** they be such as who shall be found and tryed to be poore and indigent, and to haue no meanes for their intertainment, and that by the declaration of the Prouest and Bayles, and by the Session of the Kirke, within Burgh, or by either of them: and the Sessions of the Kirks in Landwart, where the saids poore children remaines, or are found to be for the time: And if the saids poore children be within the age of fourteen yeeres, they shall be deliuered to his Highnesse Subjects, by the Magistrates within Burgh, or by the Session of the Kirke and parosh where they remain, with consent of their parents, if they haue any knowne within the paroshin for the time: otherwise they shall be deliuered by the saids Magistrates and Session of the Kirke alone, or either of them, as said is. And if they be past the age of fourteene yeeres, that their owne consent shall be taken thereto, by the advise of saids Magistrates and Session of Kirke, or either of them, as said is: who at the deliury of the saids poore children, to his Highnesse subjects, shall giue a testimoniall, vnder their, or their clerks hand writs, of the estate, quality, and condition forsaide, of the saids poore children, and of their deliury to their masters: Which Testimoniall of the saids Prouests, and Baylies, and Session of the Kirks, bearing the saide tryell and deliury, his Highnesse with advise and consent of the Estates foresaids, finds and declares, Shall be a sufficient warrand to the reciuers, for brooking the benefite of this present Statute: And to the effect his Highnesse subjects may be moued hereto, by the expectation of the commodity and advantage which they may reape by the labours and service of the saids poore children: His Majesty, with advise of the saids Estates, statutes and ordains, That the saids poore children, receiued by any of his Highnesse subjects, vpon the testimoniall of Prouest, Baylies, or Session of Kirks in manner aboue specified, shall be bound and astricted to their saids masters, their heirs and assignayes, in all kind of service, which shall be inioyned to them vntill they passe the age of thirty yeares compleat, and that they shall be vnder discipline to their saids masters, and their foresaids, and subiect to their corrections and chastisements, according to the merits of their offences, in all manner and sort of punishment, the life and torture excepted. Like as it is declared, That whatsoeuer the saids seruants gains, or wins, by their trauels

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trauels, during the said space, shall apperraine properly to their saids masters & their foresaids: And if it shall happē the saids seruants to absent them selues from their saids masters service, without their licence, then in that case they shall be oblished to refound to their saids masters the whole damage and intresse sustained by them, through their absence, vpon the declaration of the saids Maisters, without any further probation, by and attour the bodily punishment to be laid vpon them at their returning, by the discretion of their saids masters: And if it shall happen them to be receiued by any other persons, the saids receptors shall be oblished to restore them againe, to their saids masters, within twelue hours after they be required: To that effect; personally, or at their dwelling places, in presence of a Noter and two witnesses and if they sayle they shall pay, after every requisition, Ten shillings dayly, ay, and till they be restored, and that without preiudice to the saids masters, to call & perſue for deliuey of their saids seruants, before the ordinary Judge, as accords of the Law, and for the damage and skaith, sustained by them, through the want of their saids seruants, during the space of their absence, after the said requisition.

ACT XI.

Anent the Queines Majestie her Counsell



UR SOVERAINE LORD, with advise and consent of the Estates of Parliament, ratifies and approves the Letter of Nomination, made by his Highnes darrest Spouse ANNA by the grace of GOD, QUEINE of great Britanne, France, and Ireland: of the date the XXVI day of Aprile last bypast; whereby her Majestie with his Highnes consent hath nominated and appointed, Syr George Hay, of nether-Life, Clerk of the Register: Syr William Oliphant, of Newton Knight, Our Sovereaine Lordes Advocat: Syr Alexander Drummond of Meddope Knight: and Syr William Seton of Kylsmore Knight, to be foure of her Majesties Counsaile in place of the other foure of before deceased: And hath adjoynded them to the other three of her Majesties Counsaile, as yet alyue: to wit, Alexander Earle of Dunfermling, Chancellor: Thomas Lord Binning, Secretarie: and Syr Peter Young, Elemosynar to his Majestie: as in the saide Letter of Nomination, of the date foresaid at more length is contained.


And his Majestie, with advise of the Estates foresaids, willes, declares and ordeins, that the saids Counsellors, at the least foure of them, the said Lord Chancellor being alwayes one of the said foure, shall haue the guiding, government, and administration of the Estate, living, and affairs appertaining to his said Highnes darrest Spouse within the Kingdome of SCOTLAND: in the same manner and forme as is set downe in the Act of Parliament, made in the moneth of Julie, 1593 yeeres.: and vnder the provisions and conditions expressed in the said Act of Parliament:

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which his Majesty, with advise foresaid, holdeth as herein expressed : and whensoever it shall happen any of the saids seuen Counsellors, one, or moe, to depart this life, his Maiestie, with advise foresaid, willes and grants, That it shall be lawfull to her Highnesse, to Nominate and appoint others in place of the persons deceassand, to the effect aboue contained : like as his Maiestie, with advise foresaid, now as if the said nomination were made, and then as now ratifies and approues the same, and declares the same to be as valide and effectuell, as if the same were made with consent of his Highnesse, and advise of the Estates foresaids.

ACT XII.

Anent prescription of heretable Rights.

 **OUR SOVERAINE LORD**, considering the great prejudice which his M^{tie} lieges sustains in their Lands and Heretages, not only by the abstracting, corrupting, and concealing of their true evidents, in their minority, and lesse age, and the amission thereof, by the iniury of time, through Warre, Plague, Fire, or such like occasions: but also by the counterfeyting and forging of false evidents and writs, and concealing of the same to such a time, that all meanes of improving thereof is taken away : whereby his Majesties Lieges are constitute in a great vncertainty of their heretable rights, and diuers pleyes and actions are moued against them, after the expiring of thirty or fourty yeeres : which neuerthelss, by the ciuill law, and by the lawes of all Nations, are declared voyd, and vneffectuall : and his Maiestie, according to his fatherly care, which his Majesty hath, to ease and remoue the griets of his subiects, being willing to cut off all occasion of pleyes, and to put them in certainty of their heretage, in all time comming. Therefore his Maiesty, with advise and consent of the Estates of Parliament, by the tenor of this present Act, statuts, finds, and declares, That whatsoever his Majesties Lieges, their predecessors, and authors hath brooked heretefore, or shall happen to brooke in time comming, by them selues, their tennents, and others, hauing their rights, their lands, barronies, anwell-rents, and other heretages, by vertue of their heretable infestments, made to them by his Maiesty, or others their superiours, and authors, for the space of fourty years, continually and together, folowing and insuing the date of their saids infestments, and that peaceably, without any lawfull interruption, made to them therein, during the said space of fourty yeeres, that such persons, their heires, and successours shall neuer be troubled, persued, nor inquieted, in the heretable right and propertie of their saids lands and heretages foresaids, by his Maiesty, or others, their superiours, and authors, their heirs & successours, nor by any other person, pretending right to the same. By vertue of Prior infestments, publicke or private, nor vpon no other ground reason, or argument, competent of Law, except for falsehood : Prouiding they be able to show and produce a Charter of the saids lands, & others foresaids, granted to them, or their predecessours, by their saids superiours, and authors, preceeding the entrie of the saids fourie yeeres possessi-
with

entry of the saids forty yeers possession, with the instrument of seasing following thereupon: or where there is no Charter extant, that they shaw and produce instruments of seasing, one, or moe, continued, and standing together, for the said space of forty yeers, either proceeding, vpon retours, or vpon præcepts of *Clare constat*. Which rights his Maiesty, with advise and consent of the Estates foresaids, finds, and declares, to be good, valide, and sufficient rights (being claid with the said peaceable, and continuall possession of forty yeers) without any lawfull interruption, as said is: for brooking of the heritable right of the same lands, and others foresaids. And sick like his Maiesty, with advise foresaid, statutes and ordains, that all actions competent of the law, vpon heritable bands, reversions, contracts, or others whatsoeuer either already made or to be made, after the date hereof, shall be persued, within the space of forty yeers, after the date of the same: except the saids reversions be incorporate within the body of the infeftments, vsed and produced by the possessor of the saids lands, for his title of the same, or registrated in the Clerke of Register his books: in the which case, seeing all suspition of falsehood ceases most justly, the actions vpon the saids reversions, ingrossed and registrated, ought to be perpetuall: excepting alwayes from this present Act, all actions of warrandice, which shall not præscribe, from the date of the band, or infeftment, wherevpon the warrandice is sought: but only from the date of the distresse, which shall præscribe, it not being persued within forty yeeres, as said is. And sicklik it is declared, that in the course of the saids forty yeeres præscription, the yeeres of minority, and lesse age, shall no wayes be counted, but only the yeeres during the which the parties against whom the præscription is vsed and objected were majors, and past xxi. yeeres of age. And his Majesty, being carefull, that no person, who hath any just clame, be præjudged of their actions, by the præscription of forty yeers, already run and expired, before the date of this present Act: Hath with advise foresaid, granted full liberty and power to them to intent their saids actions within the space of thirteene yeers, next following the date hereof: which shall be also effectuell, as if the same had bene intented within the said space of forty yeers, præscribed by this present Act. After the expiring of the which thirteene yeers, this present Act shall haue full force and effect, after the tennor thereof in all points. And neuerthelesse it is declared, That the persons, at whose instance the saids actions shall be moued, and intented within the said space of thirteene yeeres, shall not be compelled to insist in the saids actions, at the desire of their parties, vpon the first summonds and citation thereof only, except that the saids first summonds be called and continued and the defenders of new summond thereby: in the which case, and no otherwayes, it is declared, that they may be compelled to insist at the instance of the party, hauing entresse.

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ACT XIII.

Anent reduction of Retours, and summonds of Error.



Orasmuch as by Act of Parliament, made by his Maiesties most Noble progenitor, King IAMES the fourth, of worthy memory, vpon the xiii. day of Iune. 1494. It was statute and ordained, that all summonds of Error, or inordinate processe, bee persued within the space of three yeares, after the determination of the inqueist, or seruice: the party being of lawfull age, and within the Realme, otherwayes to praescribe, as in the said Act and Statute at more length is contained. And because the true meaning and intention of the said Act, was, that OUR SOVERAINE LORDS Lieges, being vpon the said inqueist and seruice, should not ly vnder the paine and danger of error, after the space of three yeares, and no wayes to hurt or praesudge the righteous heyre, and nearest of kin, who by the law of God, and man, was to succeed in the right of blood and succession to their praedecessours, and to their lands and heretages, *iure sanguinis*. Therefore, our said SOVERAINE LORD, with advise and consent of the Estates foresaids statutes and ordains, That the said Act of Parliament shall no wayes hurt nor praesudge the nearest of kin to seeke reduction of the saids retours, and seruice, to be past and expedie in time comming, and that within the space of twenty yeares, immediatly following the date of the saids retours and seruices: and if the saids summonds of reduction, bies not intended, executed, and persued, before the expiring of the saids twenty yeares that the said action of reduction of the said retour and seruice, shall praescribe in the selfe, and no party to be heard thereafter, to persue the same reduction: and als declares, that hereafter it shall no wayes be lawfull to persue the persons of inqueist for wilfull error, except they be persued therefore within the space of three yeeres, next after the date of the said error and seruice: it is alwayes declared, that these praesents shall no wayes bee praesudiciall to whatsoeuer persons, who haue acquired rights of lands and heritages before the date hereof, *bona fide*, from the persons already retoured thereto in any time bygaine: but the saids persons who haue, *Bona fide*, acquired, to brooke their rights according to the law then standing.

ACT XIII.

Anent Exequutors.



OUR SOVERAINE LORD, vnderstanding that a great number of ignorant people, the time of their sicknesse and disease, or otherwise at the making of their Testaments, and latter willes, doe nominate certaine strangers to be their Executors meaning only to commit the care of their goods, and diligent ingetting thereof, to the saids strangers, and that to the behou of their children, or other persons who are nearest of kin: Whereas by the contrary the said Office of Exquutrye, by the interpretation now obserued, doth carry with it the whole profit and commodity

modity of the defuncts part of the goods contained in testament: which his Maieſty finds to be altogether againſt law, conſcience, and equity.

Therefore his Maieſty, with adviſe and conſent of the Eſtates of Parliament, finds and declares, that all executors, already nominate in any teſtament, not as yet confirmed, or to be nominate in any teſtament to be made hereafter, are, and ſhall be obliſhed, to make count, reckoning, and payment of the whole goods and geare appertaining to the defunct, and intromitted with by them, to the Wiſe, Children, and neareſt of Kinne, according to the diſiſion obſerved by the lawes of this Realme: reſerving onely to the ſaids executors the third of the defuncts part, all debts beeing firſt payed and deducted, without præjudice alwayes to the ſaids executors, of whatſoeuer legacies left to the by the ſaids defuncts: which ſhall no wayes be præjudged by this præſent Act: but the ſaids executors ſhall haue full right to their ſaids legacies, albeit the ſame exceed the ſaid third of the defuncts part: and in caſe the ſaids legacies exceed the whole third part, the ſaids executors ſhall haue right to the whole legacie, and no part of the third: WITH this expreſſe declaration, That where legacies are left to executors, they ſhall not fall both the ſaids legacies and a third by this præſent Act, but the ſaids legacies ſhall bee imputed and allowed to them in part of payment of their third.

ACT XV.

Anent the Eſcheat of life-rent Taks.



OUR SOVERAINE LORD, hauing cōſidered that their haue bene diuers questions moued before the Lordes of his Maieſties Counſell and Seſſion, touching the eſcheat of life-rent tacks of lands and teindes, fallen by the rebellion of the perſons to whom the ſame appertained: and that it hath not yet bene clearly decyded, whether a life-rent tack ſhould fall vnder the gift of a ſimple eſcheat, or not: For the better clearing whereof: in all time comming, OUR SOVERAINE LORD, with adviſe of the Eſtates of this præſent Parliament, declares, ſtatutes, & ordains, that life-rent tacks of lands, or teindes, ſhall not fall vnder a ſimple gift of eſcheat, but vnder the gift of a life-rent eſcheat only: and further, in caſe any tacke, ſet of lands, or teindes, containe moe life-rents nor one: and that the perſon, to whom the ſaid tack appertaineth in life-rent bee rebell, attour the ſpace of yeere and day, wherethorow he loſſes his life-rent of the ſaide tack. IT is hereby declared, that theremanent life-renters contained in the ſaide tacke, nor the heyres or assignays of the rebell, who haue right to the ſaid tack, after the ſaid rebelles deceaſe, ſhall not be prejudged by the ſaid life-renters rebellions ſo that after his diſeaſe, the ſaide perſon, hauing right to the ſaids tacks, ſhall brooke & enioye the ſame, notwithstanding the ſaide life-renters rebellion attour the ſpace of yeere and day: which rebellion ſhall præjudge himſelfe onelie, and no other perſon ſucceeding to him in the right of the ſaid tack.

King JAMES the Sext,

ACT XVI.

Anent the Registration of Reversions, Seafings, and others writtes.



OUR SOVERAINE LORD, Considering the great hurt sustained by his Majesties Lieges, by the fraudulent dealing of parties, who hauing annallied their Lands, and receiued great summes of money therefore, Yet by their in-iust concealing of some privat right formarly made by them render the subsequent alienation done for great summes of money, altogither vnprofitable: which cannot be avoyded, vnles the saids private rights be made publick and patent to his Highnesse Lieges: For remedy thereof, and of many inconuenientes, which may ensue therevpon, HIS MAJESTIE, With aduise and cōsent of the Estates of Parliament, statutes and ordeins, That there shall be ane publick Register, in the which all Reversions, regresses, bands, and writs for making of Reversions or Regresses, assignations therto, discharges of the same, Renunciations of wed-fets, and grauntes of redemption, and sicklike all instruments of Seasing shall be registrat within Thriescor dayes after the date of the same, IT is al-ways declared that it shall not be necessar to registrat any bandes and writes for making of Reversions, or regresse, vnles Seasing passe in fauours of the parties, makers of the saids bands or writs: in the which case it is or-dained, that the same shalbe registrated within thriescor dayes after the date of the Seasing. The extract of the which register shall mak faith in all cases except, where the writs so registrated, ar offred to be improven. And if it shall happen any of the the saids writs which are appointed to be registra-ted, as said is, not to be duely registrated within the said space of threescore dayes: then, and in that case, his Majesty, with aduise and consent foresaid, decernes the same to make no faith in judgement by way of action or excep-tion in preiudice of a thrid partie, who hath acquired a persite and lawfull right to the saids lands and heretages: but preiudice alwayes to them to vse the saids writes against the partie maker thereof, his heires and successors. IT is alwayes declared, That this præsent Act shall no wayes be extended to instruments of Seasing and Reversions therein contened, giuen be Pro-vest and Ballyes of frie bourghs Royall, of lands lyand within their liber-ties and friedomes, halden be the saids bourghs in frie bourgage of his Majesty, nor to na other heretable writtes therof, nor yet to Reversions incorporat in the bodie of the infestmēts, made to the persons against whom the saids Reversions are vsed. IT is also declared, that if any Renunciations or grants of redemption, which shall happen to be consigned in proces be-twix parties, shall be Registrat, within thriescor dayes after the dates of the decreits whereby the same shall bee ordeined to bee giuen vp to the parties, heauand right thereto, the same shall be sufficient, And to the effect the said Register may presentlie and in all tyme comming bee the more faithfullie keiped: Therefore OUR SOVERAINE LORD, with aduise and consent foresaid, statutes and ordeins the same Registers and re-gistratioun foresaids to bee insert therein to apperteine and belong to the present Clerke of Register, and his deputes, to bee appointed be him to that effect.

And

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And decernes and ordeins the same Registers to bee annexed and incorporate with the saide office, and that the Clerk of Register, præsent and to come, haue the saide office as ane proper part and pertinent of the Clerk of Register his office: make and constitute particular deputs, ane or moe for all the dayes of their lyfetimes, or other-ways as he shall think expedient, of gude fame, literature, and conversation for whome he shall be answerable, and who shall be resident within the towns and places after specified: At all tymes to receiue fra the parties their Evidents, and to registrat the same within the space of fourtie eight houres next after the receipt thereof and to engrosse the whole bodie of the write in the register vnder the paine of deprivation of the Clerk of his place and service, and of the office of Notarie in all tyme thereafter.

And within the same space shall deliuer to the præsenter of the same, their Evidens marked be him with the day, moneth, and yeare of the registration, and in what leafe of the book the same is registrat: and shall take allennerlie for his pains Twenty sex shillings eight pēnies money of this Realme, as the pryce of ilk leaf of his register, containing no lesse then is in this præsent Act: and in case the leafe containe lesse, to take lesse accordingly, & so proportionallie for euery page of the leafe, and part of the page, and according thereto shall take for registring of euerie ane of the saids Evidents. And the saids registers to be filled be the saids deputs, to be marked bee the Clerk of Register and his deputs to be appointed bee him to that effect with ane note of the particular number of the leaues that the same shall contene, and the saids registers after the filling of the same, to be reported to the said Clerke of Register, to remaine with him, and his deputs, and be patent to all our Soveraine Lords lieges and extracts thereof to be giuen be him and his deputs to be appointed by him during all the dayes of their lifetime, or otherwayes as hee shall thinke expedient for that effect, to all that shall haue adoe with the same, which shall make as great faith as the Principalles, except incase of improbation. And the saids registers for the grater ease of the Lieges, to be estabished in the perticular places following: That is to say, Ane in the towne of *Kirkewall*, in *Orknay*, for the whole landes lyand within the boundes of the Shirefdomes of *Orknay* and *Yetland*. And ane in the Bourgh of *Inverness*, for the whole landes lyand within Shirefdomes of *Inverness*, and *Cromartie*. Ane in the Burgh of *Elgine*, for the whole landes lyand within the boundes of the Shirefdome of *Forres*, and *Nairne*. Ane in the Bourgh of *Aberdine*, for the whole landes lyand within the boundes of the Shirefdomes of *Aberdine*, *Bamfe*, and *Kincardine*. Ane in the Bourgh of *Dundie* for the whole landes lyand with the boundes of the Shirefdome of *Forfar*. Ane in the Burgh of *Perth*, for the whole landes lyand within the Shirefdome of *Perth*, and Stewardry of *Stratherne* (exceptand the Stewardrie of *Monteith*.) Ane in the Bourgh of *Sterling*, for the whole landes lyand within the bounds of the Shirefdoms of *Sterling*, *Clakmannan*, and Stewardrie of *Monteith*. Ane in the Bourgh of *Cowpar* in *Fife*, for the whole landes lyand within the boundes of the Shirefdomes of *Fife*, and *Kinrosshyre*. Ane in the Bourgh of *Edinbourgh*, for the whole landes lyand within the bounds of the Shiref-

King JAMES the Sext,

Shiredomes of *Edinbawgh*, principall Constabularie of *Haddingtoun*, *Linlithgo*, & *Bathget*. in the Bourgh of *Lawder*, for the whole landes lyand within the Shirefdome of *Berwik*, & Baillyerie of *Lawder-daile*, and in the towne of *Selkirke*, for the whole landes lying within Shirefdomes of *Roxbourgh*, *Selkirk*, and *Peblis*, And in the towne of *Hammilton*, for the whole lands lyand within the bounds of the Shirefdome of *Lanerk*. (exceptand the bourgh and barronie of *Glasgow*.) And in the Citie of *Glasgow*, for the whole lands lyand within the bounds of the Shirefdome of *Renfrow*, and Barronie of *Glasgow* And in the Bourgh of *Dumbrittane* for the whole landes lyand within the bounds of the Shirefdoms of *Dombrittaine*, *Bute*, *Argyle*, *Arrane*, and *Tarbet*. And in the Bourgh of *Aire*, for the whole lands lyand within bounds of the Shirefdome of *Aire*, baillyerie of *Kyle*, *Carrik*, and *Cunyghame*, and in the bourgh of *Wigtoun*, for haill Lands lyand within the bounds of the Shirefdome of *Wigtoun*. And in the burgh of *Drumfreis*, for the whole lands lyand within the bounds of the Shirefdome of *Drumfreis*, Stewardries of *Kirkcubritgh*, and *Annandail*, or any other place or places more convenient. As the Clerk of Register shall thinke most expedient due intimation beeing made to the Lieges of the same. And the saids Evidents to be registrat in the perticular books appointed for the lands within the bounds of ilk Shir-dome, Stewardrie & Baillyerie, as said is, Or in the optiō of the partie in the books of Register or session keeped be the said Clerk Register him selfe or his deputs to bee appointed by him, during all the dayes of their lifetime or otherwise as he shall thinke expedient, to that effect in *Edinbawgh*. And OUR said Sovereine LORD, with advise and consent of the Estates, decernes, and declares, this present Act to haue the force strenth and effect of ane decreit and statute of Parliament, which shall haue force and execution, according to the tennor thereof in all tyme to come. Ordeining publication to be made of the same in forme as effeires.

ACT XVII.

Anent the lowsing of Arrestments.



OUR SOVERAINE LORD, Considering the great abuse and corruption vsed in finding of caution, to Messengers for lowsing of arrestments in times bygone, whereby his Highnesse Lieges haue bene heauily preiudged, the receiuing of the said caution being committed to whatsoeuer Messenger of Armes, the party pleaseth to chuse, who at the desire of the party, for the most part, receiueth irresponsall cautioners: and thereafter, when caution found, there is no warrand thereof giuen to party arrester: but only a ticket, vnder the messengers stampe and subscription, bearing him to haue lowsed the arrestment, and to haue receiued such a person cautioner: which ticket is not ssiucient of the lawe, to furnish action against the saids cautioners, without production of the principall bands giuen to the saide messenger, receiuer of the caution: which band, if any were taken, remains in the handes of the messenger, and is either lossed by negligence, or absented by malice, whereby the party is altogether praiudged of his

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of his action, which he had against the cautioner, who was found for lowfing of the arrestment: For remedy whereof, **OUR SOVERAINE LORD**, with advise and consent of the Estates of Parliament, statutes and ordains that all billes and supplications for lowfing of arrestments, which shall be past and deliuered by the Lords of Counsell in time comming, shall be past vpon caution to be found in their books, and ordaines the Clerke of the billes to receiue the said caution before the giuing out of the same, for raising of letters therevpon: and if any arrestmentes be otherwise lowfied the same to be null, and ineffectuall.

ACT XVIII.

Anent the keeping of Forrests.



OUR SOVERAINE LORD, considering that the Forrests within this Realme, in the which Deare are kept, are altogether wasted and decayed, by Shiellings, pastoring of Horses, Mares Cattell, Oxen, and other Bestiall, cutting of Woods, within the bounds of the saids Forrests, shooting and slaying of Deare, Venison, and wild Fowles, with Hagbuts, and with Dogges inforbiden time. And albeit their haue beene diuers and sundry loueable Acts, Lawes, and Statutes made for pnnishing the transgressours of same Acts, yet the same haue not bene put to due execution in time bygone. In respect the keepers of the saids Forrests, vnder his Majesty, and others, hauing right thereto, by vertue of their infestments had no power nor iurisdiction to punish the saids transgressours. Therefore **OUR SOVERAINE LORD**, with advise of the Estates of this Parliament, willes and ordains in all time comming, That the keepers of the saids Forrests, and others, hauing right by their infestments, as said is shall haue full power, priuiledge, and iurisdiction to call, conuene and persue before them, whatsoeuer person, or persons, that shall bee found hereafter to transgresse the saids Acts and Statutes, sit, and hold, Courts thereanent, and to put them to the tryall of an inqueist: And beeing found guilty, to put the saids Actes to full execution in their contraire, after the forme and tennor thereof in all points: To wit, The slayers and shooters of Deare, Rae, and Wild-Fowles, beeing landed men, vnder the paine of fve hundred marks, and euery vnlanded man, beeing responsable, vnder the paine of one hundred marks: and if he be not responsable vnder the paine of warding and punishment of his person, conforme to the former Acts, made thereanent: & the owners and inputters of the goods and Bestiall, within the saids Forrests, and cutters of Wood, vnder the paines contained in the former Acts made thereanent, and conforme to the prouision of the same Acts.

King JAMES the Sext,

ACT XIX.

Anent Dukates.



OUR SOVERAINE LORD, with advise and consent of the Estates of this present Parliament, considering the great inconvenients sustained by the Lieges of this Realme through the frequent building of Ducates, by all maner of persons, in all the parts thereof: Statutes, declares, and Ordeines, that hereafter no person nor persons, shall haue power, libertie, nor privilege, to build a Doucate vpon any landes within this Realme, neither within Burgh, nor in the Cuntrey, except that persone, builder of the Doucate, haue lands and teinds pertaining to him, extending in yerely rent to Ten Chalders Victuall, next adjacent to the said Doucate, at the least lying within two myles to the same: And als declares, that it shall no wayes bee lawfull to the person foresaid, worth in yerely rent the foresaids Ten Chalders Victuall, to builde moe Ducates, vpon and within the bounds foresaids, except one Doucate onely.

ACT XX.

Anent the punishment of Drunkards.



IT is Statute and Ordained, by Our Soveraine LORD with advise and consent of the Estates of Parliament, For the restraint of the vyle and detestable Vice of Drunkenesse, daylie increasing, to the high dishonour of GOD, and great harme of the whole Realme That all persons, lawfullie convict of Drunkenesse, or of haunting of Tavernes, and Ale-houses, after Ten houres at night, or any tyme of the day, except in tyme of travell, or for ordinarie refreshment; shall for the first fault pay Three pounds, or incase of inhabilitie, or refusall, to bee put in Jogges, or Jayle, for the space of Sixe houres: for the secound Fault, to pay fyve pounds, or incase of inhabilitie or refusall, to bee kept in Stockes or Jayle, for the space of twelue houres: and for the third Fault, to pay Ten pounds, or incase foresaid, to be kept in Stockes or Jayle, for the space of twentie foure houres: and thereafter, if they transgresse, to be committed to Jayle, till they find caution for their good behaviour in tyme comming. And for better execution of these presents speciall power, authoritie, & commission, is giuen, granted, and committed to all Shirefs, Stewards, Provests, and Baylies, Justices of Peace, and Kirke Sessions, within euery parosh, to call, conueane and try the foresaids persons, vnlawes to vplift, and *ad pios & necessarios vsus*, in euery parish to apply, and all sundry other things to doe and exerce, which necessarily is requyred for execution of these præsents.

ACT XXI.

Anent the discharging of Caulpes.

OUR SOVERAINE LORD, and Estates, Understanding and considering the great hurt and skaith which his Majesties Lieges have susteined these many yeres bygone, be the Chiets and Clānes, within the High-lands, and lles, of this Kingdome, by the vnlawfull taking from them their Childring and Executors, after their deceisse, vnder the name of *Caulpes*, of their best aucht, whether it bee Oxe, Meare, Horse, or Cowe; alledging their Prēdecessors to haue been in possession thereof, for mainteining and defending of them against their enimies and evill-willers of auld: And not onely one of the saids chiefes of Clannes, will bee content to vplift his *Caulpe*, but also three or foure moe, euerie one of them will alledge better right then other: And euerie one of them after ane other will vptak the the same, vntill foure or fyue severall *Caulpes* will bee taken from one person, howbeit neuer one of the saids Clannes haue right thereto, or to the lands which the persons occupies wherefra the *Caulpes* are vplifted: And so seveare are they, that euerie one of them after an other will pull their Horses and Oxen out of their Ploughs and Harrowes, in the verie tyme of their greatest businesse and labours: So that many of his Majesties subiects which of old were enriched with sufficient store of goods and bestiall, and thereby made his Highnes, and others having right, thankfull payment of their mails, keans, and duties, indebted be them yeerlie to his Majestie, and others having right, are now, by the extortion of the saids chiefes of Clannes, and others, claiming right to the saids *Caulpes*, and by vnlawfull raising and vplifting thereof become depauperat, and vnable to pay his Majestie, and others hauing good right, their just duties.

And seeing there was ane Act, made heretofore, in favours of the inhabitants of *Galloway*, by his Highnes Prēdecessor, KING JAMES the Fourth, of worthie memorie, in his Secound Parliament, and eighteenth Act or Chapter thereof: Discharging the saids *Caulpes*, and vptaking thereof in all tyme comming thereafter, vnder the paine of punishment, as Reafe, and to be ane point of Dittay against them in the Justice Aire.

Therefore OUR said SOVERAINE LORD, with advise of the Estates of this present Parliament, Statuts and Ordeins, that in no tyme comming none of his HIGHNES Lieges prēsume, nor take vpon hand, to intromet with nor vplift, the saids *Caulpes*, within any part of this Kingdome, vnder the paine foresaid.

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King JAMES the Sext,

ACT XXII.

Anent the inbringing of Protocolles.



OUR SOERAIN LORD, understanding that, that part of the Act of Parliament, made in Julie J^{ai}, V^e L^{xxx} vij yeeres, Act XLV. intituled *when, who, and how Notars should be admitted*, and of their Cautioners and Protocolles. Whereby it was Statute and ordeined, That all Protocol Bookes of Notars, should bee within XV. dayes after the deceasse of the Notare, brought in to *Edinburgh*, and delivered to the Clerke of Register, or one of his Deputes appointed be him for that effect, hath not beine put to due execution, in tyme bypast, where through his Majesties Lieges haue sustained great hurt and damage: in so farre as a great part of the Protocolles are vitiat and destroyed, by rying out of the leaues soorth of the saids Protocolles, inserting and writting of false instruments vpon the blanke paper contained in the same Protocolles, and siklyke, by inserting of sheetes and quaires of new paper, wherevpō instruments are falsified, by alteration of the dates of instruments, contained in the saids Protocolles and many otherwayes, as hath beene diverse tymes exactlie tryed by the Lords of Counsaile and Session: And that the delaying of the execution of the said Act, hath proceeded vpon ane Ordinance contained therein, of satisfaction to bee giuen by the Clerke of Register or his Deputes, to the relict, Children, or Executors, of the saids Notars, for the said Protocol, whereby the Clerke of Register or his Deputes, would be drawne to verie great and intollerable charges; in regard of the great number of the saids Bookes.

Therefore, and for remedie thereof OUR SOVREAIN LORD, with advise foresaid, discharges that part of the said Act of Parliament, anent any other satisfaction to be giuen to the relict, Children, or Executors, of the Notars already deceassed, or that shall happen to deceasse (except as is hereafter expressed) and Statutes and ordeins, that all persons as weell relict, children and executors, of whatsoever Notar already departed: or other person or persons whatsoever hauers in their hands, custodie or keeping, of any Protocol booke, of whatsoever Notar already deceassed, as of Notars that shall happen to deceasse at any tyme hereafter, shall after the deceasse of the Notar, inbring the saids Protocolles to *Edinburgh*, and deliuer the same to the Clerke of Register or his Deputes, to bee appointed by him for that effect, vnder the paine of ane hundreth pounds to be incurred be them, who shall happen to be found to contraveine, and thereafter the saids Notars bookes to be reteined & kept be the said Clerke of Register or his Depute, to be appointed bee him to that effect. AT the deliuerie and inbringing of which Protocolles, if the same shall be inbrought be the said relict or children, his HIGHNES with advise foresaid, Ordeins the Clerke of Register, or his Depute foresaid, to make a not of the names of the said relict and children of the defunct Notars, to the effect that whensoever any partie shall per-
sue

due for transumpt of any instrument forth of the same, hee shall be a-
stricted hereby to summond (by the partie having entresse) the relict &
children of the defunct Notar, to the effect that the saids relict and chil-
dren may be satisfied by the partie, craving the transumpt of the said
Instrument, at the modification of the Lords of Counsell and Session.

And his HIGHNES with advise foresaid, Declares, that this Act
shall not be extended to the inbringing of the Protocolles of the Clerks
of any frie Burgh Royall, within this Realme, deceased already, or that
shall happen to decesse hereafter: but the relict and children of the saids
Clerks of frie Burghs, shall be holden to deliuer the saids Protocolles to
the Provest and Bailyes of the saids frie Burghs, to remaine in the Re-
gister of the saids frie Burghs, and to be made forth-comming to all
parties, hauing entresse, whensoever they shall craue any instrument to
bee transumed forth of the same, at any tyme hereafter.

ACT XXIII.

Act salvo jure cuiuslibet.



ORASMUCH as in this present Session of Parlia-
ment, there are ratifications past, wherein divers &
new clauses are insert, which may be prejudiciall to
particular parties rights, and derogatiue to manie
Lawes lawfullie made and established of before: al-
beit the meaning of his HIGHNES, bee at this
tyme, as it was euer in all preceeding Parliaments:
That by no particular Act any other partie should be hurt or prejudged.

FOR remedie thereof, IT is Statute and Ordeined; That no Ratifi-
cation past in this present Session of Parliament, shall be prejudiciall to
any privat parties rights: but that the saids ratifications be alwayes vn-
derstode, whether they be generall or speciall, to bee *salvo jure cuiuslibet.*


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ANE TABLE OF THE PARTICULAR ACTS AND OTHERS NOT IM-

printed, Pass in the XXII Parliament, halden
at EDINBURGH, the 28 of June, 1617.

1.  Commission for heretable offices.
2. A Commission for keeping of Justice Courtes.
3. Act anent the Clangregour.
4. Act in fauours of the Arch-bishop of Saint Androes.
5. Act for a new assignation to the Castle of Edinburgh, out of his Maiesties propertie.
6. Annexation of Fearnie to the Bishopricke of Ross.
7. Annexation of Corsfreguale, and Monimusk, to the Bishopricke of Dunblane.
8. Annexation of Icolmekill and Archattan to the Bishopricke of the Isles.
9. Act anent the Chapter of the Bishop of the Isles.
10. Act anent the erection of the Kirke of Ballintrae.
11. Union of the Kirks of Kilbride and Rensfrew, to the Colledge of Glasgow.
12. Act for chaunging of the Kirk of Strathgeth.
13. Act for changing the Kirk of Lawder.
14. A Commission anent barking of Hydes.
15. Ratification in fauours of the Duke of Lennox.
16. Ratification in fauours of the Earle of Dunfermling, Lord Chancellor.
17. Ratification to the Earle of Argyle.
18. To the Earle of Erroll.
19. To the Earle of Hume.
20. Protestation made bee the Lord Rosse.
21. Act in fauours of Robert Maxwell.
22. Protestations made bee diuerse persons anent the said Act.
23. Act in fauours of the Lord Sanquhare.
24. Two Ratifications in fauours of the Lord Binning.
25. Ratification to the Lord Blantyre.
26. To Syr Gideon Murray, of diuers his infestments.
27. To syr Gideon Murray, william and walter Murrays his sonnes.
28. To syr Gideon Murray, of the Provestrie of Crichtoun.
29. To the Lord Colvill of Culros.
30. To syr Andro Hamilton.
31. To syr Patricke Murray.
32. To Iohn Murray of Lochmaben.
33. To him & the Laird of Lochinware.
34. To the old Colledge of Aberdeine.
35. To the new Colledge of Aberdine.
36. To syr Henrie Wardlaw.
37. To him and James Bayllie.
38. To M^r James Olyphant.
39. To M^r Patricke Hamilton.
40. To the Towne of Aberdeine.
41. To M^r william Olyphant.

FINIS.